

HOUSE OF REPRESENTATIVES

MONDAY, January 7, 1929

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O God of the ages, Thou who are infinite in love, in wisdom, and far too wonderful for human understanding—every noble task completed enlarges the soul of the doer and increases the joy of the world. As partakers of the divine nature, suffer us not to fail because of inherited tendencies, acquired vices, or evil habits. We believe that it is a consummation of an eternal plan to bring together all things in Thee! Oh, may our souls burst in gladness and praise before the purpose and the abundance of our God. Take our powers unemployed, our ideals unfulfilled, and our possibilities unachieved and let them exult with rapture in the heavenly delights of soul and sense. Be with all weary hearts and travelers who are on the hard, hard road; keep them until they reach the hilltop of eternity's morning. Amen.

The Journal of the proceedings of Saturday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 28. Concurrent resolution relating to the election of President and Vice President of the United States.

EDITORIAL FROM THE COLUMBUS DAILY TELEGRAM WRITTEN BY HON. EDGAR HOWARD, OF NEBRASKA

Mr. BUSBY. Mr. Speaker, I ask unanimous consent to address the House for one moment.

The SPEAKER. Is there objection to the request? [After a pause.] The Chair hears none.

Mr. BUSBY. Mr. Speaker, there has come to my hands a very unusual editorial written by one of the Members of this House on the live subject of farming. It is a nonpartisan editorial, it deals in a frank and very fair way with the subject. It is so unusual in its merits that I ask unanimous consent to extend my remarks by incorporating this editorial as a part of my remarks.

Mr. UNDERHILL. Mr. Speaker, I did not quite hear the gentleman.

Mr. BUSBY. The editorial is written by a Member of the House, and signed by a Member of the House, and I desire to extend my remarks by incorporating it in them.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi? [After a pause.] The Chair hears none.

Mr. BUSBY. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following editorial from the Columbus Daily Telegram of Columbus, Nebr., on the subject of farming, written by Hon. EDGAR HOWARD, a Representative from the State of Nebraska:

[From the Columbus (Nebr.) Daily Telegram]

WATCHMAN, WHAT OF THE YEAR

I am trying now most particularly to discover what the year shall have in store for those who have for long years been hoping, dreaming, and working for Federal legislation to insure a square deal for the American farm.

It now seems assured that some sort of farm legislation will be accomplished in 1929, either during the present session of the Congress or at a special session to be called by President Hoover. But when I know that such legislation will be promoted by one of two Presidents, neither looking at the farm problem through other than commercial eyes, I frankly confess that I can see but faint hope for anything in the nature of real farm relief. Everyone admits the unbalanced condition of agriculture. All thinking people know that the disparity existing between the profit earned by farm owners and the profit earned by those who are engaged in many other branches of industry is unfair under a form of Government founded upon the equality of its citizens.

More than 80 per cent of the wealth of the United States is located within less than one-fifth of geographical area, that one-fifth zone of great wealth being primarily an industrial area. The people within that zone do not work harder to produce their large profit than the people in agricultural sections work to secure their smaller profit. The difference is that the people in the so-called industrial zone have for long years enjoyed the benefit of special legislation which gave them an advantage over the people engaged in agricultural pursuits. The largest single legislative advantage has been the result of tariff legislation which has given them the advantage of increased and often fictitious prices. The one great problem of legislation in this hour should

be to equalize the advantages conferred by our Federal Government, giving to all our people equal opportunity and the same legislative favor enjoyed now by a few favored people. This is the very heart of the farm problem.

Men are saying that the new Hoover administration will do more to give a square deal to agriculture than the Coolidge administration has done. Often I have stated my belief that President Coolidge is an honest man, honestly desiring to work for the welfare of the American people, and often I have similarly expressed myself as to our incoming President, Mr. Hoover. They talk about equality for the farming interests, but neither is willing to give to the American farm that justice which is its due, because if the American farm should be given full justice in the matter of tariff legislation—well, if that should be done, it would necessarily mean the withdrawal of many special privileges now enjoyed by the manufacturing industry under our present tariff policy. To that unfair tariff policy both President Coolidge and President Hoover are irrevocably committed.

What will be the character of any farm-relief legislation which may be enacted during the present session of the Congress, or at a later session to be called by President Hoover? I do not know. But I do know what it will not be. Of all the measures which have appeared in Congress in recent years for the relief of agriculture only two of them struck at the heart of the farm problem. Those two were the McNary-Haugen bill and the bill for an export premium or debenture plan. I think this debenture plan was promoted largely by Representative KETCHAM of Michigan, although I have regarded Representative MARVIN JONES of Texas as its primary advocate. The Coolidge administration would not let either plan become a law. Neither will the Hoover administration permit any such legislation to live. Still regarding both Coolidge and Hoover as honest men, one must not forget that their view of the farm problem is the view of big business. Big business is not willing to surrender the advantages it now enjoys under existing tariff law and tariff law interpretation. Naturally increased prices for farm products would mean increased prices for raw material which big business manufactures into its own articles of commerce. And so it is that the owners of American farms dare not look toward either Mr. Coolidge or Mr. Hoover for any legislation which shall not meet the favor of big business.

Mr. Hoover thinks in terms of commerce. He dreams of a vast commercial empire. He is almost obsessed by this dream. He thinks of agriculture only as an incident to the commercial fabric. His real mind was disclosed in a statement he made a year or more ago, long before he took the stump in the late campaign. In that statement he said that "the way to settle the farm problem is to balance agricultural production to the needs of the country." Now, let us carry that thought to its legitimate conclusion and see where we shall arrive. The fair conclusion is that such a policy would starve agriculture down to where it would merely supply the needs of the business interests, with never any surplus to send abroad, and in the end agriculture would become just what big business wants it to become—simply a feeder to the commerce of the country.

While I am always an optimist and never a pessimist, yet I can not feel justified in expressing to my Nebraska people any earnest hope for worth-while farm legislation during the coming year. From my touch with the leaders who are supposed to speak the views of President Coolidge and the incoming President I gather that such legislation as may be enacted will be nothing more nor less than a plan to loan more money to the farmers, the loaning program to be engineered by some sort of a farm board to be created in connection with the proposed new farm legislation. In my view such a plan could not carry any material relief to agriculture. However, in the absence of anything better, I shall support such a farm bill as may be offered by President Coolidge during the present session of the Congress, or any farm bill which may be offered by President Hoover at an extra session of the Congress. In taking this course I shall be supported by the belief that most anything in the nature of legislation to aid agriculture might improve the present unhappy condition of that great industry.

EDGAR HOWARD.

CONSENT CALENDAR

The SPEAKER. The Consent Calendar is in order, and the Clerk will call the calendar.

BRIDGE ACROSS THE MISSISSIPPI AT OR NEAR THE CITY OF BATON ROUGE

The first business in order on the Consent Calendar was the bill (S. 2449) to authorize the construction of a bridge across the Mississippi River at or near the city of Baton Rouge, in the parish of East Baton Rouge, and a point opposite thereto in the parish of West Baton Rouge, State of Louisiana.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, I am requested to ask that this bill go over without prejudice.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

OSAGE INDIANS OF OKLAHOMA

The next business in order on the Consent Calendar was the bill (H. R. 13407) relating to the tribal and individual affairs of the Osage Indians of Oklahoma.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that that be passed over without prejudice.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

AMENDING ACTS RESPECTING COPYRIGHTS

The next business on the Consent Calendar was the bill (H. R. 13452) to amend the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909, as amended, in respect to mechanical reproduction of musical compositions, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I ask that this bill be passed over without prejudice.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

LEVEE AND OTHER IMPROVEMENT-DISTRICT BENEFITS AGAINST PUBLIC LANDS, ETC.

The next business on the Consent Calendar was the bill (H. R. 10657) to authorize the assessment of levee, road drainage, and other improvement-district benefits against public lands and lands heretofore owned by the United States.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I will have to object to this. There is a day coming for that committee, but if preferred I will ask unanimous consent that it be passed over without prejudice.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

DIVISION AND APPORTIONMENT OF THE WATERS OF THE NORTH PLATTE RIVER, ETC.

The next business on the Consent Calendar was the bill (H. R. 7026) granting the consent of Congress to compacts or agreements between the States of Colorado and Wyoming with respect to the division and apportionment of the waters of the North Platte River and other streams in which such States are jointly interested.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. SIMMONS. Mr. Speaker, this is a bill in which the gentleman from Colorado, Mr. TAYLOR, is interested, and I ask that it and the following bill, Calendar No. 896, H. R. 7027, be passed over without prejudice.

The SPEAKER. Is there objection to the request? [After a pause.] The Chair hears none.

COMPACTS BETWEEN COLORADO AND UTAH

The next business on the Consent Calendar was the bill (H. R. 7028) granting the consent of Congress to compacts or agreements between the States of Colorado and Utah with respect to the division and apportionment of the waters of the Colorado, Green, Bear or Yampa, the White, San Juan, and Dolores Rivers and all other streams in which such States are jointly interested.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LEATHERWOOD. Mr. Speaker, in view of the investigations going that might affect the States involved, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

Mr. CRAMTON. Is it the idea of the gentleman from Utah that he will be able to act on this at an early date?

Mr. LEATHERWOOD. There are other bills that have been passed over without prejudice, involving the same questions.

Mr. CRAMTON. And the gentleman is not disposed longer to press his objection against this bill?

Mr. LEATHERWOOD. I am only asking that this be passed over without prejudice by reason of some investigations made by some gentlemen personally. It does not affect my State at all, and I have satisfied myself that as a matter of law we do not have to come in advance to Congress to get permission to make the compacts.

Mr. CRAMTON. The gentleman was asking that this bill be put in different form from the others. Does the gentleman withdraw that request, and is he willing to have this put in the same form as the others?

Mr. LEATHERWOOD. I do not think I would object for the reason that the bill and any amendments that may be made to it will bind the State of Utah.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

JOHN REESE, COMMANDER IN CHIEF OF THE GRAND ARMY OF THE REPUBLIC

Mr. SIMMONS rose.

The SPEAKER. The gentleman from Nebraska is recognized.

Mr. SIMMONS. Mr. Speaker, it is my great privilege and honor to call the attention of the House to the fact that in the Speaker's gallery there is a distinguished and honored citizen of my district and State, a distinguished and honored citizen of the Nation, the commander in chief of the Grand Army of the Republic, John Reese. [Applause, the Members standing in salute.]

CONSENT CALENDAR

The SPEAKER. The Clerk will report the next bill.

CARE OF INSANE IN THE TERRITORY OF ALASKA

The next business on the Consent Calendar was the bill (H. R. 170) to provide for the care of certain insane citizens of the Territory of Alaska.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, this bill requires that residents of one State residing in another State be charged back to the original State from which they came.

Mr. CRAMTON. If the gentleman will permit, I will say that the gentleman from Washington [Mr. JOHNSON] is much interested in this bill, and he not being present, I ask that the bill be passed over without prejudice.

Mr. LAGUARDIA. That is satisfactory to me.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

CHIPPEWA INDIANS OF MINNESOTA

The next business on the Consent Calendar was the bill (H. R. 12414) authorizing the classification of the Chippewa Indians of Minnesota, and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, I ask unanimous consent that it be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

OSAGE INDIANS IN OKLAHOMA

The next business on the Consent Calendar was the bill (S. 2360) to amend section 1 of the act of Congress of March 3, 1921 (41 Stat. L. p. 1249), entitled "An act to amend section 3 of the act of Congress of June 28, 1906," entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes."

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. I ask unanimous consent, Mr. Speaker, that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

ADDITIONAL JUDGE FOR SOUTHERN DISTRICT OF FLORIDA

The next business on the Consent Calendar was the bill (S. 1275) to create an additional judge for the southern district of Florida.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that it be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

CREATION OF INDIAN TRUST ESTATES

The next business on the Consent Calendar was the bill (H. R. 7204) to authorize the creation of Indian trust estates, and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SPROUL of Kansas. I object.

The SPEAKER. Objection is heard. The Clerk will report the next bill.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

MARION BRANCH, NATIONAL SOLDIERS' HOME

The next business on the Consent Calendar was the bill (H. R. 14153) to authorize an additional appropriation of \$150,000 for the construction of a hospital annex at Marion Branch.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, the gentleman from Michigan [Mr. JAMES] stated the last time this matter was before the House that he would look into the figure named here and ascertain if he could give the House any reasonable assurance that the amount here authorized would be sufficient to complete the work.

Mr. JAMES. Mr. Speaker, I would be glad to have the gentleman from Indiana [Mr. HALL] answer the gentleman as to that. I understand he has been in touch with the Supervising Architect of the Treasury on this subject.

Mr. HALL of Indiana. Mr. Speaker, I have just been in touch with the Supervising Architect this morning, and I learn that the plans for the entire structure have been completed, and he informs me that this \$150,000 will be sufficient to do the work required.

Mr. LAGUARDIA. Then, the gentleman can give the House reasonable assurance that this amount will complete the construction?

Mr. HALL of Indiana. I am satisfied that it will.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, being concerned about another aspect, to wit, as to whether the work can be done for less money, I have in mind to offer an amendment to this bill—and also to No. 1004 and No. 1006 on the Consent Calendar—which will insert the words "not more than," with the expectation that when the appropriation comes before the Appropriations Committee they will go into the situation to see if there is actually a need for so much as is here authorized.

Mr. HALL of Indiana. I will be glad to accept such an amendment.

Mr. BLACK of Texas. Will the gentleman from Michigan yield?

Mr. CRAMTON. Yes.

Mr. BLACK of Texas. I just take this opportunity to make an inquiry, because the gentleman has offered several amendments of that kind, and it seems to me they are without purpose. If I understand the duties of the Appropriations Committee, they have that authority anyway. If Congress, for example, authorizes \$250,000 for this particular project and the Committee on Appropriations decides that only \$200,000 is needed, I know of no reason which would compel the Committee on Appropriations to bring in an appropriation of \$250,000.

Mr. CRAMTON. I will say to the gentleman from Texas that personally I agree with him, but the House has not seemed to agree with him, and so that we might minimize the criticism of the Appropriations Committee I offer this amendment for the purpose of making it clear that at the time the bill passes it is intended that the committee shall make that examination. On one or two occasions when the Appropriations Committee have on examination—having before them information that the House did not have at the time it acted—refused an appropriation they have not only been criticized but rather roughly treated here in the House, it being argued that if the House passes a bill for the appropriation of a certain amount of money it is the duty of the Appropriations

Committee to accept that mandate. I do not entirely agree with that, but certainly, if we put in the words "not more than," then there is a mandate given the committee with respect to the actual expenditure to be made.

Mr. BLACK of Texas. Will he gentleman yield further?

Mr. CRAMTON. Yes.

Mr. BLACK of Texas. For this particular project \$100,000 was originally authorized to construct an addition of 50 beds. It is now desired to add \$150,000 to that amount, which would make a total appropriation of \$250,000, or \$5,000 a bed. I would like to inquire as to how that compares with the general cost of Government hospitals. It occurs to me it is a rather high amount. The Appropriations Committee should make careful inquiry.

Mr. CRAMTON. It certainly is enough. I think whatever error my friend from Indiana [Mr. HALL] has made heretofore, he is not erring in the same direction again, and my thought in these amendments is to make it clear that the House intends the Appropriations Committee to study that phase of the question and not recommend as large an appropriation unless it is really necessary.

Mr. BARBOUR. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BARBOUR. I will say to the gentleman from Texas that where the amount is fixed in the authorization bill, that is often thereafter taken by the departments, the Budget, and everybody else as the amount which Congress expects will be spent, and they make their plans and specifications accordingly.

Mr. BLACK of Texas. Mr. Speaker, still further reserving the right to object, does the gentleman from California think there is any virtue in adding the language "not more than"?

Mr. BARBOUR. Well, it might have some moral effect.

Mr. BLACK of Texas. I am unable to see the point. However, I imagine it will do no harm.

Mr. LAGUARDIA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection?

Mr. LUCE. Mr. Speaker, reserving the right to object, I would like to address a question to the gentleman from Michigan. Does he not entertain any apprehension that unless these words are put in every appropriation bill improper inferences may be drawn? In other words, if two measures were compared, one saying "not more than" and the other omitting those words, would there not be the right to infer that this was done purposely?

Before the gentleman answers, I may point out that certain bills come in here under suspension of the rules, where amendment is impossible. The gentleman on unanimous-consent day has an opportunity to carry out his purpose, but there will inevitably be measures, such as one in which I am particularly interested, the hospital construction bill, where through inadvertence or through ignorance of the gentleman's position, these words may be omitted.

Now, agreeing as I do, thoroughly, with the gentleman from Texas [Mr. BLACK] and the gentleman from Michigan [Mr. CRAMTON] that it is the duty of the Committee on Appropriations to spend less money if possible, and feeling that there may be danger in deviating from what has been the established policy of the House, I rather think it is unwise to insert these words. Why, that is what the Committee on Appropriations is for. It exists for that purpose, and if we once gave any weight to the contention that it must appropriate all that it is authorized to appropriate, then the function of the committee would disappear.

Mr. CRAMTON. I will say to the gentleman from Massachusetts that I agree with him as to the duty of the Appropriations Committee, whichever form is used, to only recommend as much as their study convinces them is required, but, in the first place, as the gentleman from California [Mr. BARBOUR] states, when the words "not more than" are omitted and a specific amount is carried in the bill, that is taken by the department and the Budget, without further study, as being the amount that Congress wants.

Furthermore, the thing that the gentleman from Massachusetts [Mr. LUCE] fears may come to pass has already come to pass. The House membership generally have not concurred in the theory that the Appropriations Committee ought to make this study in any event. I recall a bill passed the Congress authorizing the payment of a certain Indian judgment with interest, entirely out of line with the general policy, but it got through with a limited amount of attention, and then when the Committee on Appropriations made a study of it and developed facts that the House had not been aware of at the time, we refused to recommend the appropriation. Then on the floor of the House the item was offered as an amendment and our committee was severely castigated by Members for having dis-

obeyed the mandate, as they called it, of the House; and, as a matter of fact, we were voted down on the proposition.

I think, notwithstanding that, the committee ought to make a study and to avoid any question of criticism because none of us wants any more criticism than is necessary; when these words are inserted, then certainly it is the duty of the committee to make the study and no one can criticize the committee for making it.

Mr. LUCE. But the gentleman does not meet my suggestion that there will be diversity between bills coming to the Appropriations Committee.

Mr. CRAMTON. There already is a diversity, and there already is the claim made that when a definite amount is recommended it is the duty of the committee to recommend that amount.

Mr. LUCE. When bills come to him, as I have suggested, under suspension of the rules and the words will be lacking, how will the gentleman meet that situation?

Mr. CRAMTON. My own judgment is that the duty is with the committee in any event, and as one member of the committee I am prepared to meet that duty, but in as many cases as it is feasible to do it, I think it best to have this sort of language, and, as I understand, the ranking member on the Military Affairs Committee said the other day that hereafter it would be the policy of that committee to use such words so as to remove this question.

Mr. BARBOUR. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BARBOUR. Would not that whole situation be obviated if the Appropriations Committee was left, in the first place, to determine the amount of money that should be expended? In other words, let the bill from the legislative committee authorize the construction of a certain building or whatever it may be, and stop there. Then let the Committee on Appropriations go into the matter and determine what the proper cost should be.

Mr. LUCE. That might be wise, but, with all due deference to the most admirable and efficacious Committee on Appropriations, other gentlemen of the House might think that their judgment was worth while and desirable in these matters. For example, the committee of which I have the honor to be a member, the Committee on World War Veterans' Legislation, is probably better equipped by experience and by having at its command the services of experts, to determine that matter than would be a Committee on Appropriations which does not specialize in that particular thing.

Mr. BARBOUR. I think the gentleman is right about that, but at the same time, if I understand the gentleman from Massachusetts correctly, he expects the Committee on Appropriations to scrutinize the recommendations of his own committee and pass on them later.

Mr. LUCE. The whole purpose of having a Committee on Appropriations, I take it, is to secure a double check.

Mr. BURTNESS. Will the gentleman from California yield?

Mr. BARBOUR. I have not the floor.

Mr. BURTNESS. I think the suggestion made by the gentleman from California is very pat. I have often wondered why a legislative committee in reporting legislation to authorize a building, for instance, to be used as a hospital, is concerned with more than the authorization of the building. If the legislation authorizes the building, then it is up to the Appropriations Committee in all cases to determine what the cost will be, which would be much the simpler way and would reduce the work of the House considerably, because you would not have to correct the old legislation from time to time.

Mr. LEAVITT. Where would the Budget come in if that kind of bill were sent out from the committee authorizing expenditures—if they were all made in blank and the Budget was completely left out?

Mr. BURTNESS. I do not think that would be a material question.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated out of money in the Treasury not otherwise appropriated \$150,000, in addition to the \$100,000 authorized to be appropriated by section 3 of the act approved March 4, 1927 (Public, No. 798, 69th Cong.), for the construction of a fire-proof hospital annex at the Marion Branch of the National Home for Disabled Volunteer Soldiers.

Mr. CRAMTON. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: In line 4, after the word "appropriated" insert the words "not more than."

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SIGNAL DEPOT WAREHOUSE, PHILIPPINE DEPARTMENT

The next business on the Consent Calendar was the bill (H. R. 14155) to authorize the appropriations for construction at military posts, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LA GUARDIA. Mr. Speaker, reserving the right to object, I think the last clause in the bill is objectionable. We have had trouble with that sort of provision in a bill before, where you throw the doors open and say—

with such utilities and appurtenances thereto as in the judgment of the Secretary of War may be necessary.

I think we should strike that language out of the bill.

Mr. JAMES. Mr. Speaker, I have no objection to that.

Mr. CRAMTON. I think it would be better to leave in the words "as may be necessary" and to strike out the words "in the judgment of the Secretary of War."

Mr. LA GUARDIA. I think that is a good suggestion, and I shall accept it.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated \$49,000 for the construction and installation in the Philippine Department of a signal-depot warehouse, with such utilities and appurtenances thereto as in the judgment of the Secretary of War may be necessary.

Mr. LA GUARDIA. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LA GUARDIA: Line 6, after the word "as," strike out "in the judgment of the Secretary of War."

The amendment was agreed to.

Mr. LA GUARDIA. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. LA GUARDIA: In line 3, after the word "appropriated," insert the words "not more than."

The amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

POWDER-BLENDING UNIT AT PICATINNY ARSENAL

The next business on the Consent Calendar was the bill (H. R. 14156) to authorize an appropriation for the construction of a cannon powder-blending unit at Picatinny Arsenal, Dover, N. J.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. JAMES. Mr. Speaker, the gentleman from New Jersey [Mr. ACKERMAN], who represents that district, is absent on account of sickness. I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

CONSTRUCTION OF MESS HALL, ETC., UNITED STATES MILITARY ACADEMY

The next business on the Consent Calendar was the bill (H. R. 14813) to authorize an appropriation for completing the new cadet mess hall, United States Military Academy.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LA GUARDIA. Reserving the right to object, I call the attention of the gentleman from Michigan [Mr. JAMES] to the fact that I have received a great many complaints as to the rate of wages paid to skilled and unskilled laborers employed in the construction of these new buildings at West Point. I had a long conference last night with the distinguished chairman of the Committee on Military Affairs, the gentleman from Pennsylvania [Mr. MORIN], and he tells me that they are operating under a law which was passed last year providing the rate of wages. I believe he told me that the rate of wages for unskilled

labor was \$4 a day. I want to say to the gentleman from Michigan and to the House that a laborer in the State of New York in that vicinity can not live and support his family on \$4 a day. That is \$24 a week, assuming the weather is good, and rain does not prevent him from working. This work is being carried on efficiently, I will admit, by the quartermaster officer, but there is no reason why the prevailing rate of wages should not be paid. I suggest as an amendment a proviso to the effect that the prevailing rate of wages paid for similar work in the vicinity of West Point shall be paid to all skilled and unskilled workers employed for the purpose authorized.

Mr. JAMES. Has the gentleman from New York talked with the gentleman from Pennsylvania [Mr. MORIN]?

Mr. LA GUARDIA. Yes. He says that they are paying the unskilled laborers \$4 a day and the skilled laborers \$8 a day. That is below the prevailing rate of wages. Am I not right about that?

Mr. BARBOUR. I do not know as to that, but it has been reported to the subcommittee on War Department appropriations that one of the reasons for this is because of the increased wages they have had to pay.

Mr. LA GUARDIA. The original estimates were made on going out and bargaining with the workers to work below the prevailing rates, and I believe a bill was passed at the last session that has something to do with it. I did not have time to investigate that this morning, but the Chairman of the Committee on Military Affairs told me that they fixed the rate of wages at \$4 a day. That is below the prevailing rate. I do not believe we want to economize by bargaining with unskilled laborers.

Mr. BLACK of Texas. Mr. Speaker, will the gentleman yield?

Mr. LA GUARDIA. Yes.

Mr. BLACK of Texas. No bill was passed requiring the War Department to employ labor at any certain rate. There is no law of that kind. There is nothing to hinder them from paying the prevailing rate of wages.

Mr. LA GUARDIA. I did not believe there was.

Mr. BLACK of Texas. And there should not be any amendment such as the gentleman suggests here. It would be unusual. I dare say that the War Department will pay the prevailing rate of wages with this increased appropriation. There ought not to be any mandatory direction of that kind.

Mr. LA GUARDIA. They are not paying the prevailing rate of wages.

Mr. BLACK of Texas. Perhaps the appropriation is not sufficient, but this additional appropriation will provide additional funds.

Mr. LA GUARDIA. I shall press my amendment.

Mr. BLACK of Texas. The gentleman can press his amendment, but I do not want the gentleman from Michigan [Mr. JAMES] to agree to it, because it ought not to prevail.

Mr. LA GUARDIA. That puts the gentleman from Michigan in an embarrassing situation, if the gentleman from New York threatens him one way and the gentleman from Texas another.

Mr. BLACK of Texas. I certainly would object to an amendment of that kind, because it would be unusual and, I think, unnecessary.

Mr. LA GUARDIA. I will do this. I will not make it a condition, but I shall submit my amendment and let it come to a vote. I think that is fair.

Mr. BLACK of Texas. The gentleman has a right to submit his amendment, of course.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$297,540 for completing the construction of the new cadet mess hall, cadet store, dormitories, and drawing academy at the United States Military Academy.

Mr. LA GUARDIA. Mr. Speaker, I have an amendment which I desire to offer.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 7, strike out the period, insert a semicolon, and add the following proviso: "Provided, That the prevailing rate of wages paid for similar work in the vicinity of West Point shall be paid to all skilled and unskilled workers employed for the purpose herein authorized."

Mr. BLACK of Texas. Mr. Speaker, I make the point of order against the amendment that it is not germane to the bill. The bill in question authorizes an increase in appropriation for certain West Point buildings amounting to \$297,540.

It does not deal at all with the question of wages to be paid to labor, and therefore I make the point of order that the amendment is not germane to the bill.

Mr. LA GUARDIA. This is a legislative bill. It provides and authorizes an appropriation for the construction of buildings and surely we can provide as to the method of employment, and it is entirely germane and within the meaning of the rule.

The SPEAKER. The Chair thinks this bill merely authorizes an appropriation to complete a building already in course of construction. There is no question arising on the face of the bill with reference to labor, wages, or anything of the sort. The Chair thinks it is not germane and sustains the point of order.

Mr. LA GUARDIA. Mr. Speaker, I desire to make a preferential motion. I move to strike out the enacting clause, and on that I desire to be heard.

Mr. Speaker, I sought by proper parliamentary tactics to correct a condition which I believe no Member of this House will approve. We have over a million dollars' worth of work going on at West Point Military Academy. That work is under the direction of a quartermaster officer. He employs workers, skilled and unskilled, and labor conditions up there have been nothing short of a scandal. Bargains have been driven and workers have been employed under stress of unemployment and the necessities there below the prevailing rate of wages. Now, I think it is a crying shame for Congress to sanction a continuation of such a condition. I am reliably informed we are paying laborers there \$4 a day. That is \$24 a week, and I assure you gentlemen that a man can not support his family decently in the vicinity of West Point on \$24 a week. I submit to the ruling of the Chair. The gentleman from Texas is entirely within his rights if he desires to take advantage of his parliamentary rights and defeat something that seems to be very necessary. On the other hand, I do not believe that we should sanction this appropriation without full knowledge that in doing so the United States Government is running a "scab" shop at West Point and employing men on starvation wages. I would rather defeat the entire bill than permit such conditions to prevail with the sanction of Congress. If my motion prevails, it is certain that the committee will bring in a bill protecting the rights of labor and paying them a decent, living wage. I would rather not have these buildings constructed if we can not pay labor the proper scale of wages.

Mr. BLACK of Texas. Mr. Speaker, will the gentleman yield there?

Mr. LA GUARDIA. Yes.

Mr. BLACK of Texas. If the gentleman's amendment is adopted, the Secretary of War will have no money with which to pay these increases in labor cost that he speaks about.

Mr. LA GUARDIA. Then let us not do the work.

Mr. COCHRAN of Missouri. Mr. Speaker, will the gentleman yield?

Mr. LA GUARDIA. Certainly.

Mr. COCHRAN of Missouri. There is another phase in the matter. It is evident in my community with respect to public work. An outside contractor who does not pay his employees the rate of wages prevailing in the vicinity of the place where the work is going on has a distinct advantage over other contractors in that vicinity.

Mr. LA GUARDIA. Yes. Let me tell the gentleman that in Government work a contractor is expected to pay the rate of wages prevailing in the vicinity.

Mr. COCHRAN of Missouri. The bill introduced by the gentleman from New York [Mr. BACON] provides for that, but we have not been able to get a vote on it.

Mr. LA GUARDIA. The bill of the gentleman from New York provides that they must pay the wages of the locality where the work is going on.

Mr. DOWELL. But the Government is not now paying the prevailing rate of wages in the communities where the work is going on, and that amendment should be adopted in every one of these bills.

The SPEAKER. The question is on agreeing to the motion of the gentleman from New York [Mr. LA GUARDIA] to strike out the enacting clause.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. WOOD. A division, Mr. Speaker.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 30, noes 70.

Mr. LA GUARDIA. Mr. Speaker, I object to the vote on account of no quorum.

The SPEAKER. The Chair will count. [After counting.] One hundred and fifty-five Members are present, not a quorum. The Clerk will call the roll. As many as favor the motion of the gentleman from New York to strike out the enacting clause

will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 54, nays 272, not voting 101, as follows:

[Roll No. 6]

YEAS—54

Almon	Crowther	Kvale	Palmisano
Bachmann	Dowell	LaGuardia	Peavey
Bankhead	Fulbright	Leavitt	Sanders, Tex.
Beck, Wis.	Fulmer	Lowrey	Schaffer
Black, N. Y.	Garber	McClintic	Shallenberger
Buckbee	Green	McCormack	Simmons
Carss	Guyer	McKeown	Sinclair
Casey	Hall, N. Dak.	Martin, La.	Somers, N. Y.
Clarke	Hill, Wash.	Miller	Steagall
Cochran, Mo.	Howard, Nebr.	Moore, N. J.	Summers, Wash.
Collins	Howard, Okla.	Murphy	Swank
Cooper, Ohio	Huddleston	Nelson, Wis.	Williams, Ill.
Cooper, Wis.	Johnson, Okla.	Norton, Nebr.	
Crosser	Jones	O'Connor, La.	

NAYS—272

Abernethy	Doughton	Kahn	Ramseyer
Ackerman	Douglas, Ariz.	Kearns	Rankin
Adkins	Drane	Kelly	Ransley
Aldrich	Driver	Kendall	Rayburn
Allen	Dyer	Kent	Reece
Andresen	Eaton	Ketcham	Reed, Ark.
Andrew	Elliott	Kless	Reed, N. Y.
Arnold	Englebright	Kincheloe	Reid, Ill.
Aswell	Eslick	Knutson	Robinson, Iowa
Auf der Heide	Fenn	Kopp	Robison, Ky.
Ayres	Fish	Korell	Rogers
Bacharach	Fisher	Kurtz	Romjue
Bacon	Fitzgerald, Roy G.	Langley	Rowbottom
Barbour	Fitzgerald, W. T.	Lanham	Rutherford
Beck, Pa.	Fitzpatrick	Lankford	Sabath
Beedy	Fort	Larsen	Sanders, N. Y.
Beers	Foss	Lea	Sandlin
Black, Tex.	Free	Leatherwood	Schneider
Bland	Freeman	Leech	Sears, Fla.
Bloom	French	Lehlbach	Seger
Bohn	Furlow	Letts	Selvig
Boles	Gambrill	Lindsay	Smith
Bowles	Gardner, Ind.	Lozier	Snell
Bowman	Garner, Tex.	Luce	Sproul, Kans.
Box	Garrett, Tenn.	Lyon	Stalker
Boylan	Garrett, Tex.	McDuffie	Steele
Brand, Ga.	Gibson	McFadden	Stevenson
Brand, Ohio	Gifford	McLaughlin	Strong, Kans.
Briggs	Gilbert	McLeod	Strong, Pa.
Brigham	Glynn	McReynolds	Summers, Tex.
Browning	Goldsbrough	McSwain	Swick
Buchanan	Goodwin	Maas	Swing
Burdick	Gregory	Major, Ill.	Taber
Burness	Greenwood	Major, Mo.	Tarver
Busby	Hadley	Manlove	Tatgenhorst
Butler	Hale	Mapes	Taylor, Tenn.
Byrns	Hall, Ill.	Martin, Mass.	Thatcher
Campbell	Hall, Ind.	Menges	Thompson
Cannon	Hammer	Merritt	Thurston
Carew	Hancock	Michener	Tilson
Carley	Hardy	Monast	Timberlake
Carter	Hare	Moore, Ky.	Tinkham
Cartwright	Haugen	Moore, Ohio	Treadway
Chapman	Hawley	Moore, Va.	Tucker
Chindblom	Hersey	Moorman	Underhill
Christopherson	Hickey	Morehead	Vestal
Clague	Hill, Ala.	Morgan	Vincent, Iowa
Cochran, Pa.	Hoch	Morin	Vincent, Mich.
Cohen	Hoffman	Morrow	Vinson, Ga.
Cole, Iowa	Hogg	Nelson, Me.	Wainwright
Collier	Hooper	Nelson, Mo.	Wason
Colton	Hope	Newton	Watres
Combs	Houston, Del.	Niedringhaus	Watson
Connally, Tex.	Hudson	Norton, N. J.	Weller
Corning	Hudspeth	O'Connell	Whittington
Cox	Hughes	Oliver, Ala.	Wigglesworth
Craff	Hull, Morton D.	Parker	Williams, Mo.
Cramton	Hull, Tenn.	Parks	Williams, Tex.
Crisp	Hull, Wm. E.	Peery	Wilson, La.
Cullen	Irwin	Perkins	Wingo
Dallinger	Jacobstein	Porter	Wolverton
Darrow	James	Pou	Wood
Davenport	Jeffers	Prall	Woodruff
Davis	Jenkins	Purnell	Woodrum
Deal	Johnson, Ill.	Quayle	Wurzbach
Dempsey	Johnson, Ind.	Quin	Wyant
DeRouen	Johnson, S. Dak.	Ragon	Yates
Dickinson, Iowa	Johnson, Tex.	Rainey	Yon

NOT VOTING—101

Allgood	Davey	Harrison	Mooney
Anthony	Denison	Hastings	O'Brien
Arentz	Dickinson, Mo.	Holaday	O'Connor, N. Y.
Begg	Dickstein	Igoe	Oliver, N. Y.
Bell	Dominick	Johnson, Wash.	Palmer
Berger	Douglass, Mass.	Kading	Patterson
Blanton	Doutrich	Kemp	Pratt
Britten	Doyle	Kerr	Sears, Nebr.
Browne	Drewry	Kindred	Shreve
Bulwinkle	Edwards	King	Sirovich
Bushong	England	Kunz	Speaks
Canfield	Estep	Lampert	Spearing
Celler	Evans, Calif.	Linthicum	Sproul, Ill.
Chalmers	Evans, Mont.	McMillan	Stedman
Chase	Fletcher	McSweeney	Stobbs
Clancy	Frear	Magrady	Strother
Cole, Md.	Gasque	Mansfield	Sullivan
Connery	Golder	Mead	Taylor, Colo.
Connolly, Pa.	Graham	Michaelson	Temple
Culkin	Griest	Milligan	Tillman
Curry	Griffin	Montague	Underwood

Updike
Vinson, Ky.
Ware
Warren
Weaver

Welch, Calif.
Welsh, Pa.
White, Colo.
White, Kans.
White, Me.

Whitehead
Williamson
Wilson, Miss.
Winter
Wolfenden

Wright
Zihlman

So the motion to strike out the enacting clause was rejected. The Clerk announced the following pairs: Until further notice:

Mr. Graham with Mr. Linthicum.
Mr. Curry with Mr. Blanton.
Mr. Denison with Mr. Mead.
Mr. Temple with Mr. Bell.
Mr. Connolly of Pennsylvania with Mr. Montague.
Mr. Arentz with Mr. Dominick.
Mr. Shreve with Mr. Stedman.
Mr. Begg with Mr. Kindred.
Mr. Frear with Mr. Kemp.
Mr. Griest with Mr. Drewry.
Mr. Magrady with Mr. Sullivan.
Mr. White of Maine with Mr. Douglass of Massachusetts.
Mr. Sproul of Illinois with Mr. Oliver of New York.
Mr. Anthony with Mr. Canfield.
Mr. England with Mr. O'Connor of New York.
Mr. Wolfenden with Mr. Edwards.
Mr. Kading with Mr. Connery.
Mr. Michaelson with Mr. McSweeney.
Mr. Welsh of Pennsylvania with Mr. Dickstein.
Mr. Stobbs with Mr. Griffin.
Mr. Browne with Mr. Underwood.
Mr. Palmer with Mr. Ware.
Mr. Chase with Mr. Sirovich.
Mr. White of Kansas with Mr. Milligan.
Mr. Estep with Mr. Allgood.
Mr. Winter with Mr. Celler.
Mr. Holaday with Mr. Mansfield.
Mr. Lampert with Mr. Doyle.
Mr. Evans of California with Mr. Warren.
Mr. King with Mr. Hastings.
Mr. Zihlman with Mr. Kunz.
Mr. Golder with Mr. Bulwinkle.
Mr. Johnson of Washington with Mr. McMillan.
Mr. Culkin with Mr. Fletcher.
Mr. Pratt with Mr. Patterson.
Mr. Britten with Mr. Mooney.
Mr. Strother with Mr. Evans of Montana.
Mr. Sears of Nebraska with Mr. Weaver.
Mr. Bushong with Mr. Kerr.
Mr. Williamson with Mr. Vinson of Kentucky.
Mr. Doutrich with Mr. Taylor of Colorado.
Mr. Speaks with Mr. Whitehead.
Mr. Clancy with Mr. Igoe.
Mr. Updike with Mr. Wright.
Mr. Welch of California with Mr. Gasque.
Mr. Chalmers with Mr. Spearing.

The result of the vote was announced as above recorded.

Mr. CRAMTON. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 1, line 5, before the figures "\$297,540," insert the words "not more than."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

COLLECTION AND EDITING OF OFFICIAL PAPERS OF THE TERRITORIES OF THE UNITED STATES

The next business on the Consent Calendar was the bill (S. 1168), to amend an act entitled "An act to authorize the collection and editing of official papers of the Territories of the United States now in the national archives," approved March 3, 1925.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LaGUARDIA. Mr. Speaker, I reserve the right to object for the purpose of calling the attention of the Committee on the Revision of Laws to the fact that this is one law that is not indexed in the Code of Laws. I do this so that the reviser of the index may be advised.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I am quite dubious about the value of this bill, particularly since out of nearly 2,000 copies of the works that are to be published only 50 will go to the Department of State. Personally I do not know what I or any other Member will do with two copies. However, I am not disposed to make an objection, but I do suggest that section 4 ought to be amended by striking out all after the words "Department of State," in line 5 on page 3. As it reads, the Department of State will be enabled, through some mathematics of their own, to add to a certain one of their appropriations. I do not think that is desirable. I think the regular staff can do this work, and there is no necessity for enlarging that particular appropriation to that extent.

Mr. BLACK of Texas. If the gentleman will permit, I intend to ask that this bill go over without prejudice.

Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

RELIEF OF INDIANS

The next business on the Consent Calendar was the bill (H. R. 7031) authorizing the Secretary of the Interior to arrange with States for the education, medical attention, and relief of distress of Indians, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, and I expect to do so, this bill, in my mind, is quite undesirable. I ask unanimous consent to revise and extend my remarks with reference to it and in doing so to insert a portion of a letter expressing the views of the Indian welfare committee of the General Federation of Women's Clubs.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. CRAMTON. The bill is unnecessary and undesirable. In so far as it can serve any good purpose, the authority now exists. It is, however, so broad in its terms as to make possible, indeed to invite, the States to spend the money of the Federal Government. Having difficulty at times in supervising and controlling the acts of our own officials, we are asked to turn our problems over to officials whom we do not select, whom we can not remove, whom we can not control. Our officials and employees are under civil service. State officials and employees are customarily under the political patronage system. Our officials and employees have back of them the national sentiment for generous treatment of the Indian and the national confidence in his possibilities. The State officials and employees are too often subject to a local sentiment that seeks to exploit the Indian, too often share in a local lack of confidence in his possibilities. We are building up an organization of specialists and any improvement in our policies acts directly on the whole field. The States would have varying policies, varying standards, and, once a contract was made, changes and improvements in policies could affect the field slowly if at all.

The far-reaching character of the bill is in this language:

That the Secretary of the Interior is hereby authorized, in his discretion, to enter into a contract or contracts with any State having legal authority so to do for the education, medical attention, and relief of distress of Indians in such State, and to expend under such contract or contracts moneys appropriated by Congress for such purpose.

SEC. 2. That the Secretary of the Interior in making any contract herein authorized with any State may permit such State to utilize, for the purposes of this act, existing school buildings, hospitals, and all equipment therein or appertaining thereto, including livestock and other personal property owned by the Government, under such terms and conditions as may be agreed upon for their use and maintenance.

That is broad enough to transfer to the several States, in the discretion of the Secretary of the Interior, all our expenditures for education, health, and relief of distress, while retaining all our full organization for handling of the business and industrial affairs of the Indians. The State and Federal supervision would, under any general application of this plan, become inextricably mixed, with duplication of effort, controversy of purpose, and passing the buck galore. General exercise of the authority to contract with the States here proposed would be disaster. And the politicians and Indian exploiters of every Indian State would be alert and swarm on the Secretary of the Interior for such contracts. And the Secretary of the Interior would have a right to assume that passage of this act was intended by Congress as approval of such a general policy.

It may be urged that no such general policy is intended. The bill does not so indicate, and it would be construed as I have indicated. And if no general policy is so purposed, if it is not intended by this act to express the desire of Congress for general handling of these Federal funds by State authorities, why have the bill at all?

Close cooperation between State and Federal authorities in matters pertaining to the education, health, and relief of the Indian, as well as to his industrial development and general advancement, is greatly to be desired. It is being secured in a constantly increasing degree. Just as the Federal policies are being improved and expanded, so is the best thought of the various Indian States coming more and more to appreciate the

importance of the Indian and his welfare, and they are working more and more in harmony with us for his advancement. And there is ample law now for such cooperation. We place Indian children in local white schools and pay their tuition there now. We place them in State institutions for deaf or dumb or blind or backward children and pay for their care there now under contract. We have just accepted very wise and generous cooperation by the State of North Dakota by which, without payment of tuition, Indian boys from the United States Indian boarding school at Wahpeton can go across the road and receive instruction at the State science school, an industrial school. In Wisconsin State public health nurses are doing good work on our Indian reservations. In many States very helpful cooperation in matters of health and education now exists, and I do not know of any feasible cooperation now proposed that is hindered by lack of law.

The proposed law is an invitation to trouble, which, if accepted, would lead to disaster.

A close student of Indian affairs and a generous champion of his interests is Mrs. Joseph Lindon Smith, chairman of the Indian welfare committee of the General Federation of Women's Clubs. She has written me as follows, expressing her protest against the proposed legislation:

GENERAL FEDERATION OF WOMEN'S CLUBS,
Washington, D. C., January 3, 1929.

HON. LOUIS C. CRAMTON,

House of Representatives, Washington, D. C.

MY DEAR MR. CRAMTON: As chairman of the division of Indian welfare of the General Federation of Women's Clubs I wish to enter protest against the passage at this time of House bill 7031, a bill authorizing the Secretary of the Interior to arrange with States for the education, medical attention, and relief of distress of Indians, and for other purposes.

I consider that it has been the uniform experience in the history of Indian administration that when Indians have been released from Federal jurisdiction 90 per cent of them have lost their property and a large number of them have become landless and homeless. When Congress in 1906 removed the restrictions on the lands of the mixed-blood Indians of the White Earth Reservation there followed a period of fraud, corruption, and debauchery of these helpless Indians. The removal of the restrictions by Congress on the lands of the Indians of the Five Civilized Tribes has resulted in decreasing the land estate of these Indians from 19,000,000 acres to approximately 3,000,000 acres in a period of less than 25 years, and the Indian Bureau was powerless to protect these Indians.

Cooperation between the Indian Bureau officials, State bureaus of public health, the Extension Service of the Department of Agriculture, and other public and private agencies is of vital importance to the welfare of the Indians and is an avowed policy of the Indian Service officials increasingly in effect.

In Wisconsin and Minnesota the General Federation of Women's Clubs have assisted materially in welfare work for the Indians, done in cooperation with the Indian Bureau and State officials. We issued a bulletin (October, 1928) on the Meriam report, and in it we indorsed the policy of the retention by the Federal Government of the control and supervision of the Indians as long as practicable.

It seems to us that the editorial from the Santa Fe New Mexican of December 20, attached, gives an accurate picture of the situation, and I trust that House bill 7031 will be recalled from the calendar and returned to the committee without further action by Congress.

Sincerely yours,

CORINNA LINDON SMITH,
Chairman Division of Indian Welfare,
General Federation of Women's Clubs.

[Editorial from the Santa Fe New Mexican, December 20, 1928]

THE INDIANS AND THE STATES

The Leavitt bill now before Congress provides that the care, responsibility, and future of the American Indian tribes may be farmed out to the various States, with grants of present national funds to pay the freight.

The average person does not know what an important measure it is and that the well-being and happiness of several hundred thousand people are involved. Neither do they realize that if the measure should become a law there would immediately start a campaign of spoliation such as this Nation never saw before. Imagine the ravage that New Mexico politicians would indulge in were such an opportunity afforded them!

The National Government from the beginning has had charge of this work. There have been abuses at times. Crooks get into the Indian Service as every other branch of governmental activity. Less often there are Indian leaders who are rascals. They are the exceptions that prove the rule.

The Indian Service has evolved into a most efficient system, worthy of a Government of this size. If each State were to take it up, they

would not have the experience of a hundred years back of them. Few of them would have learned anything from history. The result would be a crushing blow to the present wards of the Government.

There is nothing the matter with the Indian Service, except that it should be given more money and encouraged to modernize its ways in a few particulars.

When it comes to State Indian service, may the good Lord preserve us, and the Indians!

The bill is of such far-reaching importance that I believe the Committee on Indian Affairs might well give it further consideration in committee before asking the House to consider it.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent that I may extend my remarks in the Record by inserting the bill itself and the report of the committee, since there has been so much misunderstanding with regard to its purpose and its effect.

The SPEAKER pro tempore. The gentleman from Montana asks unanimous consent to print the bill itself in the Record as well as the report of the committee. Is there objection?

There was no objection.

The bill and report follow:

[H. R. 7031, 70th Cong., 2d sess.]

IN THE HOUSE OF REPRESENTATIVES,
December 12, 1927.

Mr. LEAVITT introduced the following bill; which was referred to the Committee on Indian Affairs and ordered to be printed. December 14, 1928, reported with an amendment, committed to the Committee of the Whole House on the state of the Union, and ordered to be printed.

A bill (H. R. 7031) authorizing the Secretary of the Interior to arrange with States for the education, medical attention, and relief of distress of Indians, and for other purposes

Be it enacted, etc., That the Secretary of the Interior is hereby authorized, in his discretion, to enter into a contract or contracts with any State having legal authority so to do for the education, medical attention, and relief of distress of and promotion of agriculture among the Indians in such State, and to expend under such contract or contracts moneys appropriated by Congress for such purpose.

SEC. 2. That the Secretary of the Interior in making any contract herein authorized with any State may permit such State to utilize, for the purposes of this act, existing school buildings, hospitals, and all equipment therein or appertaining thereto, including livestock and other personal property owned by the Government, under such terms and conditions as may be agreed upon for their use and maintenance.

SEC. 3. That the Secretary of the Interior, after entering into any contract or contracts as herein authorized with any State, may permit the agents and employees of such State to enter upon Indian tribal lands, reservations, or allotments for the purpose of making inspection of health and educational conditions and enforcing sanitation and quarantine regulations or to enforce compulsory school attendance of Indian pupils, as provided by the law of the State.

SEC. 4. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into effect.

SEC. 5. That the Secretary of the Interior shall report to Congress on or before the first Monday in December of each year any contract or contracts made under the provisions of this act and the moneys expended thereunder.

[H. Rept. No. 1955, 70th Cong., 2d sess.]

RELIEF OF DISTRESS OF INDIANS

Mr. LEAVITT, from the Committee on Indian Affairs, submitted the following report, to accompany H. R. 7031.

The Committee on Indian Affairs, to whom was referred the bill (H. R. 7031) authorizing the Secretary of the Interior to arrange with States for the education, medical attention, and relief of distress of Indians, and for other purposes, having considered the same, report thereon with a recommendation that it do pass with the following amendment:

Page 1, line 6, after the words "distress of" add "and promotion of agriculture among the."

For a number of years those constructively interested in the welfare of the Indians have been growing in the belief that it should be made possible for such States having considerable Indian population as have developed efficient agencies to deal with health and educational problems and to relieve distress among the indigent to give the benefit of such agencies to their Indian population as well as to the white.

Already some States, notably Minnesota, are giving attention to the health of the Indians, not only for the sake of the Indians, but for the protection of the people generally. Doctor Guthrie, the head of the Indian health work and a trained officer of the Bureau of Public Health, has testified to the great value of such cooperation. In many of the States the Federal Government has been paying tuition for the educa-

tion of Indian children in the public schools, this over a sufficient period of years to demonstrate its unquestioned value.

At its last session the Legislature of Wisconsin enacted a law authorizing the government to enter into contracts with the Federal Government for the education, health, relief of indigency, and promotion of agriculture among Wisconsin Indians, thus leading the way for legislative enactments by such States as so desire to enable them to cooperate in like manner.

The Institute for Government Research, in its report entitled "The Problem of Indian Administration," submitted February 21, 1928, discusses this problem, beginning on page 98, as follows:

"With respect to the division of authority and responsibility between the National and the State and local Governments, the survey has proceeded upon these principles:

"1. That under the Constitution of the United States and in accordance with the historical development of the country, the function of providing for the Indians is the responsibility of the National Government.

"2. That the National Government should not transfer activities incident to this function to individual States unless and until a particular State is prepared to conduct the activity in accordance with standards at least as high as those adopted by the National Government.

"3. That the transfer of activities from the National Government to the State governments should not be made wholesale, but one activity at a time, as the willingness and ability of the State justify.

"4. That no great effort should be made toward uniformity in the treatment of all the States, as the question of the willingness and ability of the States is an individual one, with very different answers for different States.

"5. That when a State assumes responsibility for a particular activity, as in the case of admitting the children of nontaxed Indians to public schools or providing for nontaxed Indians in hospitals, it is eminently proper that the National Government should make contributions to the cost in the form of payments for tuition or hospital fees, and that so long as national funds are thus used the National Government is under obligation to maintain officials such as the day-school inspectors, to cooperate in the work done by the States to see that it is up to the required standard and that the Indians for whom the National Government is primarily responsible are receiving the agreed service.

"6. That the National Government is under no legal or moral obligation to make the real property of the Indians subject to the regular State and county taxes until such time as the Indians are prepared to maintain themselves in the presence of white civilization and the States are prepared to render full governmental service to the Indians according to standards which will protect them from neglect and retrogression.

"7. That it is in general highly desirable that the States should as rapidly as possible assume responsibility for the administration of activities which they can effectively perform alike for whites and for the Indians with a single organization, with the exception of activities that are directly concerned with Indian property. Experience tends to demonstrate that national control and supervision of property must be about the last of the activities transferred to the States."

Its great importance is further emphasized by President Coolidge in his annual message to the Congress on the 4th of this month, when he said:

"The movement in Congress and in some of the State legislatures for extending responsibility in Indian affairs to States should be encouraged."

This measure does not remove any of the protection of the Federal Government from the Indians. It does not apply to their property. It does allow the Federal Government to work cooperatively through State agencies for the betterment of the health of the Indians, for their education, for the relief of their distress, and for their agricultural advancement wherever the interests of the Indians will be advanced thereby, but it forces no such activities on any State. It authorizes co-operative contracts between the Federal Government and the States within carefully restricted fields of service in cases where the Indians will be benefited.

H. R. 6075, which is practically identical with this bill, was introduced by Representative Kelly, of Pennsylvania.

The favorable report of the Secretary of the Interior, with approval of the Bureau of the Budget, follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 13, 1928.

HON. SCOTT LEAVITT,

Chairman Committee on Indian Affairs,
House of Representatives.

MY DEAR MR. LEAVITT: I have the honor to reply to your request of December 14 for reports on H. R. 7031 and H. R. 6075, both of which cover proposed arrangements for the transfer to States of activities of the Indian Bureau dealing with education, medical attention, and relief of Indians. Inasmuch as the bills are identical in purpose and

substantially identical in language, it is felt that both may be covered in a single report.

The principle underlying the proposed legislation is in agreement with my belief that the time has arrived when States directly interested in the civilization and advancement of Indians should begin to assume a greater degree of responsibility for Indian affairs, especially in the matter of directing the activities specifically mentioned in the bills under consideration. In several specific statements, including reports on legislation having the same general objective, introduced during sessions of the Sixty-ninth Congress, and in recent annual reports to the President, I have expressed this view.

A number of States directly concerned have given indications of a disposition favorable to the proposal and there appears to be little reason to doubt that their attitude in the matter may be regarded as indicative of a general willingness on the part of State authorities to assume further responsibility in the administration of Indian affairs.

The proposed legislation has my approval and I recommend that it be enacted into law.

Under date of January 4, 1928, the Bureau of the Budget advised that this report is not in conflict with the financial program of the President.

Very truly yours,

HUBERT WORK.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I object.

TELEPHONE LINE FROM FLAGSTAFF TO KAYENTA

The next business on the Consent Calendar was the bill (S. 3779) to authorize the construction of a telephone line from Flagstaff to Kayenta on the Western Navajo Indian Reservation, Ariz.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, may I inquire of the author of the bill why it is not possible to have the Signal Corps build this line. They have the men and they have the material, so that surely they could build this line without any difficulty at all. They are building lines and taking them down for practice, so there is no reason why they could not build a permanent line. I think they have sufficient material and appropriations to do so.

Mr. DOUGLAS of Arizona. I can not answer that question from my own knowledge. The only information I have on the subject is that the Secretary of the Interior has recommended this bill. I did not know that the Signal Corps constructed lines to Indian reservations.

Mr. LAGUARDIA. They are putting them up and taking them down for practice so I think they could build a permanent line. I intend to ask that this bill go over without prejudice.

Mr. CRAMTON. I will say to the gentleman that what he is suggesting is something new to me. I am satisfied this telephone line is required and I am going to offer my usual amendment that "not more than" \$35,000 is authorized. I will also say that if this bill becomes a law that before the appropriation is made we will make a careful check to see if it is possible to do what the gentleman from New York suggests, and if it is possible, of course, we prefer to do it.

Mr. LAGUARDIA. It would come before the gentleman's subcommittee.

Mr. CRAMTON. Either that or the deficiency subcommittee, and I will promise to give it my attention.

Mr. LAGUARDIA. That is satisfactory, and in the meantime I will take the matter up with the Chief of the Signal Corps.

Mr. CRAMTON. I will at the proper time offer an amendment to perfect the paragraph as to the name of the institution.

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, I would like to make an inquiry of the gentleman from Montana [Mr. LEAVITT]. I notice this bill is to construct a telephone line to an Indian reservation and is not made reimbursable. Are there any funds to the credit of these Indians by which it could be made reimbursable?

Mr. LEAVITT. It could be made reimbursable so far as the item is concerned, but that would mean nothing in the final result. It is a telephone line that is necessary for the health and the welfare of the Indians and should be built according to the terms of the bill.

Mr. BLACK of Texas. It is the custom of Congress, as I understand it, wherever Indians have trust funds to their credit and work of this kind is done to make it reimbursable out of their funds.

Mr. LEAVITT. My information is that they do not have the funds to pay it.

Mr. BLACK of Texas. That is the inquiry I wanted to make; of course, if they have not it would not come within that classification. There would be no value in making the item reimbursable.

Mr. LEAVITT. The amendment of the gentleman from Michigan [Mr. CRAMTON] is entirely acceptable to the committee.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That \$35,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the reconstruction of the telephone line from Flagstaff to the Western Navajo Indian Agency at Tuba City, and for the construction of a continuation of said telephone line from Tuba City to the Marsh Pass Indian Boarding School at Kayenta, Ariz.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. CRAMTON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. CRAMTON: Page 1, line 3, after the word "that," insert the words "not more than."

Page 2, line 1, strike out the words "Marsh Pass Indian Boarding School" and insert in lieu thereof "Tuberculosis Sanatorium."

The amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

INTERSTATE COMMERCE IN COTTON

The next business on the Consent Calendar was the bill (H. R. 13646) for the prevention and removal of obstructions and burdens upon interstate commerce in cotton by regulating transactions on cotton-futures exchanges, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CLARKE. Mr. Speaker, I object.

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

Mr. CAREW. Mr. Speaker, how many objections are required?

The SPEAKER pro tempore. This bill requires three objections, but the gentleman from Georgia has asked unanimous consent to have it passed over without prejudice, and without objection it is so ordered.

There was no objection.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS

The next business on the Consent Calendar was the bill (H. R. 15013) to amend the act entitled "An act to authorize the Board of Managers of the National Home for Disabled Volunteer Soldiers to accept title to the State camp for veterans at Bath, N. Y.," approved May 26, 1928.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LUCE. Mr. Speaker, reserving the right to object, I would call the attention of the committee to one or two phases of this bill and make one or two inquiries. I am in complete sympathy with the purpose to be accomplished. The method strikes me as open to serious query. The report accompanying the bill—

Mr. LAGUARDIA. Mr. Speaker, under the rules three objections are required; and the gentleman has no right of reservation unless he can get two more to join him.

The SPEAKER pro tempore. The gentleman has the right to make the reservation. If some one demands the regular order—

Mr. LAGUARDIA. I demand the regular order, Mr. Speaker. The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 1 of the act entitled "An act to authorize the Board of Managers of the National Home for Disabled Volunteer Soldiers to accept title to the State camp for veterans at Bath, N. Y.," approved May 26, 1928, is amended to read as follows:

"That the Board of Managers of the National Home for Disabled Volunteer Soldiers, when directed by the President, is authorized to accept on behalf of the United States, free from all encumbrances and without cost to the United States, title in fee simple to the land, including buildings, structures, and cemetery, constituting the camp

for veterans at Bath, N. Y. Such camp shall be perpetually maintained and used as a camp or home for veterans of the wars of the United States, and the veterans of the Civil War and the veterans of the Spanish-American War who are inmates of such camp at the time of such transfer shall be maintained therein during their lives. Upon acceptance of said camp by the Board of Managers such land, buildings, structures, and cemetery shall become the Bath branch of the National Home for Disabled Volunteer Soldiers."

SEC. 2. Section 2 of such act, approved May 22, 1928, is hereby repealed.

Mr. LUCE. Mr. Speaker, I move to strike out, beginning on line 5 of page 2, the sentence:

Such camp shall be perpetually maintained and used as a camp or home for veterans of the wars of the United States, and the veterans of the Civil War and the veterans of the Spanish-American War who are inmates of such camp at the time of such transfer shall be maintained therein during their lives.

The SPEAKER pro tempore. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. LUCE offers the following amendment: Page 2, line 5, beginning with the words "such camp," strike out all down to and including the word "lives" in line 10.

Mr. LUCE. Mr. Speaker, I offer this amendment primarily to let the House know what it is doing in the way of instituting a precedent that will have a grave effect upon the future relations between the Government and those who desire to give to it facilities for the care of veterans. In the first place, I point out that the committee making the report in this matter contents itself by informing the House that the purpose of the bill is to eliminate technicalities between the act passed by the State of New York and the act of Congress. It does not explain what those technicalities are. With all deference and good nature, I suggest the propriety of informing the House in reports of committees what changes are contemplated by bills that are reported. The bill itself shows neither by the use of italics nor by the repetition of the bill that has been amended what change has been made.

Mr. STALKER. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Yes.

Mr. STALKER. The other bill was enacted into law. This is a new bill. It is not an amendment.

Mr. LUCE. It is an amendment to existing law, and there should be brought into this House no amendment to existing law that does not enable Members readily and quickly to know what the existing law is and what change is proposed. That is a matter of technical draftsmanship which has been receiving the consideration of certain thoughtful Members of the House, and it is hoped that by rule or precedent we may presently be able to be informed when a change is made, what it is.

Mr. LAGUARDIA. There is a rule now pending to that effect upon the Speaker's desk.

Mr. LUCE. I certainly hope that the rule will prevail, and, anticipating the purpose of the rule. I am exercising the privilege of a Member in trying to find out just what changes are contemplated.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Yes.

Mr. COOPER of Wisconsin. I think there should be such a rule adopted by the House. I did not know that such a proposed new rule had been introduced last May by the gentleman from Iowa [Mr. RAMSEYER]. I introduced last month a bill to require the printing of bills so that the portions of existing law to be stricken out should be printed with a line drawn through them, and the proposed new law should be printed in italics. This is the law in Wisconsin and in many other States and ought to be the law here. To-day either House of Congress can pass and sometimes does pass bills of which not three Members on the floor really know the meaning.

Mr. LUCE. Mr. Speaker, I chanced to address myself to this subject, however, because I am concerned, deeply concerned, with the main proposition as a member of the Committee on World War Veterans' Legislation, whose duty in part it is to provide hospitals for the veterans of the World War. I call the attention of the House to what it is doing if it accepts this condition. This provides that the institution in question shall be perpetually maintained and used as a camp. I am not aware that it has been the practice of the Nation to accept gifts of any sort with a string attached to them, with a proviso attempting to anticipate the future. At this very moment there are numerous State homes for veterans that have dwindling population. The purpose of giving this home to the Nation is

to transfer from the State of New York to the Nation the cost of maintaining just such a home.

Mr. STALKER. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Yes.

Mr. STALKER. The Board of Managers of the National Home for Disabled Volunteer Soldiers are in need of this home. General Wood informs me that they have not any vacant beds, and that they are in urgent need of this equipment. It has the approval of the Budget Bureau and of the War Department. The Legislature of the State of New York passed the legislation giving the United States Government this home.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. STALKER. Mr. Speaker, I ask unanimous consent that the gentleman's time may be extended for three minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. STALKER. In the last Congress we passed an act accepting the home.

Mr. LUCE. Mr. Speaker, I thought the gentleman was generous enough to ask that I have the three minutes. [Laughter.]

The SPEAKER. That was the gentleman's request.

Mr. STALKER. The gentleman from Massachusetts has the floor.

Mr. LUCE. Mr. Speaker, this home is wanted, it is greatly needed, and I hope that we will get it. I do not want the House to accept anything, however, from any Commonwealth with a promise to maintain it perpetually. That is an unwise thing to do. The provision is in this bill, because the Assembly of the State of New York in its offer put in that restriction. My own judgment is that the wise thing to do is to strike out the proviso and then allow the New York Assembly to make its offer as it ought to make the offer, without any strings to it. [Applause.]

This binds us down from now until kingdom come. We are hoping that there will not be another war. If in 75 years or a hundred years from now there should not have been any war, veterans will have disappeared. You are confronted with the proposal to maintain this perpetually and use it for the purpose specified. How are your successors going to keep your pledge? The State of New York tries to turn the institution over to us because it can no longer fill the place. It is nearly empty by reason of the fact that the results of the Civil War have almost disappeared. They ask us now to take the same obligations, the same burden, the same responsibility they are trying to get rid of. The right way to do is for them to take a leaf out of their own experience and say, "We will not ask the Nation to do things which are hampering us so seriously that we are glad to shift the responsibility to somebody else."

Therefore, sir, I desire this sentence to be eliminated if my argument has the approval of the House.

Mr. CRAMTON. Mr. Speaker, I think there are many States which would be very glad to turn over such expenses to the Federal Government, and if this passes there would be quite a rush to get in line. I think the bill ought to be carefully framed, and I believe the amendment offered by the gentleman from Massachusetts ought to prevail. There is another reason, in addition to the forceful presentation which the gentleman from Massachusetts has made. It not only provides for the perpetual maintenance of this as a home, but provides for the perpetual maintenance of those who are now in it. No matter whether they conform to the rules and regulations or not, no matter what good reason there might be for not continuing them, we are bound perpetually to retain them. The board that has the management of that institution loses all control over these particular inmates. We as a favor to the State of New York are providing their maintenance at Federal expense. I hope the gentleman will accept the striking out of that sentence, as without such action this bill ought to be defeated.

Mr. STALKER. That would defeat the bill and necessitate its return to the New York State Legislature.

Mr. CRAMTON. That is a good place to return it, in my judgment.

Mr. STALKER. The gentleman can read in the report where General Wood states there is urgent need for this home.

Mr. CRAMTON. That is all very true, but that does not mean that we must place language in the bill which makes it impossible for the board of managers properly to administer the institution.

Mr. STALKER. So far as the inmates are concerned, the average age of the Civil War veterans is about 84 years.

Mr. CRAMTON. How about the average age of the Spanish War veterans?

Mr. STALKER. There are not very many in the home.

Mr. CRAMTON. This great Government is not going to turn out these veterans unless a compelling condition arises, and if that arises there ought not to be a law saying whatever the condition might be they would have to be maintained.

Mr. CHINDBLOM. Would it have survived if General Wood had said he did not need this property?

Mr. STALKER. I would not have introduced the legislation. General Hines said they did not need the property, but General Wood stated that they did require it.

Mr. CRAMTON. Has General Wood said that he could not use it unless it had this sentence in the bill?

Mr. STALKER. I will say the gentleman from New York has presented this matter to the Attorney General, and is advised that he can not accept it until this language is inserted in the law.

Mr. CRAMTON. The language in the bill binds us for 40 years; perhaps, to retain up in that home certain survivors of the Spanish-American War, whether they conform to the rules and regulations of the institution or not.

Mr. STALKER. The Spanish-American War veterans are taken into any of these national homes.

Mr. CRAMTON. I am not talking about who can enter it; I am talking about the select class which this bill provides must be maintained there during their life, whether they conform to the regulations or not. In this institution these New Yorkers can be as much of a nuisance as they choose to be and still can not be put out.

Mr. STALKER. The State of New York is not trying to pass on any liability. This institution cost more than \$5,000,000. It is a very complete home which they propose to give to the National Government, and something which the National Government is in urgent need of.

Mr. CRAMTON. My objection is to the sentence which the gentleman from Massachusetts [Mr. LUCE] moved to strike out.

Mr. LA GUARDIA. I want to point out the fact that every time New York turns something over to the Federal Government it does so without consideration.

Mr. CRAMTON. But with plenty of strings to it.

Mr. LA GUARDIA. When land is accepted from another State we take the land and the conditions, too.

Mr. CRAMTON. This is a proposition offering to the Federal Government an institution to be governed perpetually, as it appears, by the State of New York.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. JOHNSON of South Dakota. Mr. Speaker, this bill is of more universal interest than would appear on its face, because, as the gentleman from Massachusetts [Mr. LUCE] has so well expressed it, the Government will be perpetually bound by this precedent. Scattered throughout the entire United States, both in the North and in the South, there are many State soldiers' homes, such as the one referred to in this proposed law. In the North they are maintained for soldiers who served on the Union side in the war between the States, or the Civil War, and in the Southern States for those who served in the Confederate Army. It is apparent that the time will come when the States maintaining these State homes will desire that these institutions be turned over to the National Government in order that the soldiers of the Spanish-American War and of the World War, the sons, perhaps, of those who fought in that other great conflict may be hospitalized in their own States. If that is done the control and jurisdiction of these hospitals should rest entirely with the United States Government, and not with the individual States.

Mr. O'CONNELL. That is where it ought to be.

Mr. JOHNSON of South Dakota. Yes. It is exactly where it must be, because otherwise, when these hospitals are turned over to the Federal Government they will come under 48 different State jurisdictions, if there are that many State homes.

As was pointed out by the gentleman from Michigan [Mr. CRAMTON], there would be the question of the discipline in all these institutions; not alone in this one in New York State. I think this one should be taken over under proper legislation, but in these institutions this question of discipline might be vital. There may be one of the patients in this hospital in New York—I do not say it will actually occur, but under this phraseology it can occur—there might be a man there who was engaging in the business of selling intoxicants or narcotics to inmates of the institution or to the public, and yet with this restrictive provision in this proposed law the proper authorities in charge of that home would have no right, in my judgment, to discharge him.

I do not think that situation ought to be allowed to exist. I am not so fearful about it except as a precedent, because I do not think there will be a President of the United States with

such poor judgment as to take over an institution with a provision restricting the right of the Federal Government to maintain control over the hospitals which it maintains. I assume that the present President would not do that, and I assume that the next President would not do it.

I am, however, opposed to the bill unless the restriction is eliminated. Then the measure will be returned to the Legislature of New York with the suggestion that this institution may be accepted free of restriction, and notice thereby given that every other State must comply with that rule, which, I think, is for the best interests of the United States.

Mr. JACOBSTEIN. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of South Dakota. Certainly.

Mr. JACOBSTEIN. How does this fit in with the policy of the Veterans' Bureau?

Mr. JOHNSON of South Dakota. I will say that the whole question of the care of ex-service men in hospitals and soldiers' homes, in marine hospitals and hospitals of the Army and Navy and Veterans' Bureau hospitals is, in a degree, involved in this discussion. It seems to me to be vital that there should be a law passed by this Congress that will give the President of the United States the power to consolidate all these governmental agencies which are now trying to do one thing but under five different operating heads.

Mr. JACOBSTEIN. Has General Hines expressed himself on the subject?

Mr. JOHNSON of South Dakota. I would not want to quote him, because I do not have the hearings before me at this moment. I would not want to quote him unless I could quote him accurately.

But my recollection of it is that he said he did not need this hospital at the present time and that he has said he did not want it with these restrictive clauses in the act authorizing its acceptance.

The SPEAKER pro tempore. The time of the gentleman from South Dakota has expired. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

The question was taken; and on a division (demanded by Mr. STALKER) there were—ayes 81, noes 13.

So the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

COMMISSIONER OF INDIAN AFFAIRS

The next business on the Consent Calendar was the bill (H. R. 13506) fixing the salary of the Commissioner of Indian Affairs and the Assistant Commissioners of Indian Affairs.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LA GUARDIA. Mr. Speaker, reserving the right to object, I want to inquire if these salaries were not fixed in the recent Welch bill or in the other classifications we have had?

Mr. LEAVITT. The status here is just as it was in the case of the Commissioner of Reclamation. It is necessary to have this law passed in order to increase the salaries of the Commissioner of Indian Affairs and the Assistant Commissioner of Indian Affairs.

Mr. LA GUARDIA. Are there not some other employees in this department whose salaries have not been adjusted?

Mr. LEAVITT. They have been adjusted so far as they are under civil service and come within the different classifications, but these positions do not.

Mr. LA GUARDIA. Do not the commissioner and assistant commissioner come within the \$9,000 class?

Mr. LEAVITT. No.

Mr. LA GUARDIA. What is the commissioner getting?

Mr. LEAVITT. Eight thousand dollars.

Mr. LA GUARDIA. What do other heads of departments doing the same work and of the same dignity, if you please, receive now?

Mr. LEAVITT. Perhaps the best illustration is that of the Commissioner of Reclamation, who by an act like this had his salary increased to these same figures, and that was done by the last Congress.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, what does the Commissioner of the General Land Office receive?

Mr. LEAVITT. I can not tell the gentleman.

Mr. BLACK of Texas. At the last session of Congress the Welch bill was passed and that bill provided for a new classification of salaries up to \$9,000, as I recollect, and I assume that

this commissioner has had his salary increased to that amount, and if he has I shall certainly object.

Mr. LEAVITT. These positions do not come under the civil service and they are not reached by the Welch Act.

Mr. BLACK of Texas. Are they not affected at all by the Welch bill?

Mr. LEAVITT. I think not.

Mr. LA GUARDIA. Is there anyone who can give us that information? If not, and until we get that information, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. LEAVITT. I object, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LA GUARDIA, Mr. SCHAFER, and Mr. SPROUL of Kansas objected.

BRIDGE ACROSS THE ST. CROIX RIVER

The next business on the Consent Calendar was the bill (H. R. 13502) authorizing the State of Minnesota to construct, maintain, and operate a free highway bridge across the St. Croix River at or near Stillwater, Minn.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, the State of Minnesota be and is hereby authorized to construct, maintain, and operate a free highway bridge and approaches thereto across the St. Croix River at a point suitable to the interests of navigation, at or near Stillwater, Minn., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. There is hereby conferred upon the State of Minnesota all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

Sec. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. ANDRESEN. Mr. Speaker, I offer certain amendments.

The SPEAKER pro tempore. The gentleman from Minnesota offers amendments which the Clerk will report.

The Clerk read as follows:

Amendments offered by Mr. ANDRESEN: Page 1, line 5, after the word "Minnesota," insert the words "and the State of Wisconsin."

Page 1, line 5, after the word "and" strike out the word "is," and insert in lieu thereof the word "are."

Page 2, line 2, after the word "Minnesota," insert the words "and the State of Wisconsin."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

HALF HOLIDAYS FOR CERTAIN GOVERNMENT EMPLOYEES

The next business on the Consent Calendar was the bill (S. 3116), providing for half holidays for certain Government employees.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, I object.

The SPEAKER pro tempore. It takes three objections.

Mr. WOOD and Mr. CRAMTON also objected.

FEDERAL FARM LOAN ACT

The next business on the Consent Calendar was the bill (H. R. 13936) to amend the second paragraph of section 4 of the Federal farm loan act, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LA GUARDIA. Mr. Speaker, reserving the right to object, I want to make some inquiry as to the reference. In line

13, page 2, the bill provides that the borrower shall be subject to the restrictions and provisions of this act. When this is written into law, because the bill is simply an amendment of existing law, it seems to me it ought to refer to the provisions of chapter 7 of title 12 of the United States Code.

Mr. BLACK of Texas. I would suggest to the gentleman that the gentleman from Pennsylvania [Mr. McFADDEN] has this bill in charge and I think it would be well to pass it over without prejudice.

Mr. LA GUARDIA. Then I make that request, Mr. Speaker. The SPEAKER pro tempore. Without objection the bill will be passed over without prejudice.

There was no objection.

INDIAN LANDS IN OKLAHOMA

The next business on the Consent Calendar was the bill (H. R. 13507) to amend section 3 of Public Act. No. 230 (37 Stat. L., 194).

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I would like to know definitely how far-reaching this bill is. I have not had an opportunity to check back with the old legislation. Apparently, this takes the lid off as to our responsibility for such assessments anywhere in Oklahoma. Is that true or is our liability going to be limited to this \$2,720?

Mr. SWANK. Mr. Speaker, my understanding is it will be limited to that amount. When the ditch was constructed in the first place, the law was \$15 an acre. The department says that it now requires, under the increased cost of this sort of work, about \$18.50 an acre.

Mr. CRAMTON. I do not worry so much about that increase of \$3 an acre.

Mr. SWANK. My understanding is it is limited to the amount which the gentleman has stated.

Mr. CRAMTON. The first sentence as it stands in the bill before us says that the Secretary is authorized to approve the assessments, and so forth, "upon all other restricted Indian allotments situated within any drainage district located within and organized under the laws of the State of Oklahoma."

Mr. LEAVITT. That is the present law.

Mr. CRAMTON. That is a repetition of the present law? There is no expansion there?

Mr. LEAVITT. And I might call the gentleman's attention to this paragraph in the report of the Secretary:

As the provisions of H. R. 13507 are deemed adequate for the protection of the interests of the United States and will result in considerable benefit to the Indians in interest, it is recommended that the proposed legislation receive your favorable consideration.

Mr. CRAMTON. I just wanted to be sure how adequate it is, and under the gentleman's statement I have no objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the second paragraph of section 3 of Public Act No. 230 (37 Stat. L. 194), approved July 19, 1912, being an act to provide for the payment of drainage assessments on Indian lands in Oklahoma, be, and the same is hereby, amended to read as follows:

"That the Secretary of the Interior is hereby authorized, in his discretion, to approve the assessments, together with right-of-way maps, upon all other restricted Indian allotments situated within any drainage district located within and organized under the laws of the State of Oklahoma: *Provided*, That the limitation prescribed in section 2 hereof that no assessments shall exceed the sum of \$15 per acre on any allotment or portion thereof shall not apply to assessments approved hereunder: *Provided further*, That for the purpose of paying such assessments approved by the Secretary of the Interior March 21, 1928, against restricted lands within the Little River drainage district No. 2, Cleveland County, Okla., there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$2,720.94, to be reimbursable as provided in section 2 of this act."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

IOWA TRIBE OF INDIANS

The next business on the Consent Calendar was the resolution (S. J. Res. 139) for the relief of the Iowa Tribe of Indians.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, this bill revolves around the terms of paragraph 6 of the amended petition filed in behalf of these Indians, but the report does not set out what paragraph 6 deals with.

The report of the department indicates that the matter affected is this additional 49,153 acres; but I would feel much easier if I could see what paragraph 6 is and see what is included in that paragraph. Has the gentleman from Montana that paragraph at hand?

Mr. LEAVITT. I have not it here. I would be perfectly willing to have this go over and take it up the next time.

Mr. CRAMTON. That would be fine. I do not expect to object to it, but I would like to see that paragraph.

I will ask that the bill be passed over without prejudice, Mr. Speaker.

The SPEAKER pro tempore. Without objection, the bill will be passed over without prejudice.

There was no objection.

BRIDGE ACROSS MONONGAHELA RIVER

The next business on the Consent Calendar was the bill (H. R. 14146) granting the consent of Congress to the county of Allegheny, Pa., to construct a bridge across the Monongahela River, in the city of Pittsburgh, Allegheny County, Pa.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I simply do this for the purpose of inquiring whether the grant should be given to Allegheny County, since you had a consolidation in your city, I believe, last year. I know, for instance, in our city the counties within the city would not have the right after consolidation to build a bridge. I am simply calling the gentleman's attention to it.

Mr. PORTER. The consolidation has not taken place.

Mr. LAGUARDIA. I thought it had.

Mr. PORTER. No.

Mr. LAGUARDIA. I simply wanted to make that inquiry.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. BURTNES. Mr. Speaker, I ask unanimous consent that the reading of the bill be dispensed with.

The SPEAKER pro tempore. I think it is generally understood that these bills will be read, and I think in this instance there are one or two amendments. The Clerk will read the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the county of Allegheny, in the Commonwealth of Pennsylvania, and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Monongahela River, at a point suitable to the interest of navigation, approximately 1.5 miles above its junction with the Allegheny River, in the city of Pittsburgh, county of Allegheny, and State of Pennsylvania, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 4, strike out the words "and its successors and assigns";

Line 6, before the word "bridge" insert the words "free highway";

Line 7, strike out the word "interest" and insert the word "interests."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended to read as follows: "A bill granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a free highway bridge across the Monongahela River, in the city of Pittsburgh, Allegheny County, Pa."

BRIDGE ACROSS TENNESSEE RIVER, KNOXVILLE, TENN.

The next business on the Consent Calendar was the bill (H. R. 14164) granting the consent of Congress to the city of Knoxville, Tenn., to construct a bridge across the Tennessee River at Henley Street, in Knoxville, Knox County, Tenn.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the city of Knoxville, Tenn., and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Tennessee River at Henley Street at a point suitable to the interests of

navigation, in Knoxville, Knox County, Tenn., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided,* That such bridge shall not be constructed or commenced until the plans and specifications thereof shall have been submitted to and approved by the Secretary of War and the Chief of Engineers as being also adequate from the standpoint of the volume and weight of the traffic which will pass over it.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 4, strike out "and its successors and assigns."

Line 5, after the article "a," insert "free highway."

Line 6, after the word "river" strike out "At Henley Street."

Line 7, after the word "navigation," insert "at or near Henley Street."

Page 2, line 3, strike out the proviso.

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended to read: "A bill granting the consent of Congress to the city of Knoxville, Tenn., to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Henley Street in Knoxville, Knox County, Tenn."

BRIDGE ACROSS OHIO RIVER, PITTSBURGH

The next business on the Consent Calendar was the bill (H. R. 14451) granting the consent of Congress to the county of Allegheny, Pa., to construct a bridge across the Ohio River, between the city of Pittsburgh and the borough of McKees Rocks, State of Pennsylvania.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The amendment to this bill consists in striking out all after the enacting clause, and without objection the Clerk will report the amended bill.

The Clerk read as follows:

Strike out all after the enacting clause and insert: "That the act of Congress approved February 27, 1919, granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge, with approaches thereto, across the Ohio River at or near McKees Rocks Borough, in the county of Allegheny, in the Commonwealth of Pennsylvania, be, and the same is hereby, revived and reenacted: *Provided,* That this act shall be null and void unless the actual construction of the bridge herein referred to be commenced within two years and completed within four years from the date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved."

The committee amendment was agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended to read as follows: "A bill to revive and reenact the act entitled 'An act granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Ohio River at or near McKees Rocks Borough, in the county of Allegheny, in the Commonwealth of Pennsylvania.'"

SALARIES OF COMMISSIONER OF INDIAN AFFAIRS AND ASSISTANT COMMISSIONER

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to return to H. R. 13506, fixing the salary of the Commissioner of Indian Affairs and the Assistant Commissioner of Indian Affairs.

The SPEAKER pro tempore. The gentleman from Montana asks unanimous consent to return to H. R. 13506. Is there objection?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, has the gentleman obtained further information since the bill was last under consideration?

Mr. LEAVITT. We find, as I stated, that the two positions involved do not come under the Welch Act; neither do they come under the Civil Service Commission. The Commissioner of Indian Affairs receives now \$8,500 a year and the assistant commissioner \$6,500.

Mr. DYER. What does this bill propose?

Mr. LEAVITT. It proposes to increase the salary of the commissioner to \$10,000 and the salary of the assistant commissioner to \$7,500.

Mr. SCHAFER. Mr. Speaker, I withdraw my objection.

Mr. LAGUARDIA. And this is to bring these salaries up to the salary paid to people doing similar work and occupying similar positions?

Mr. LEAVITT. That is true.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That from and after the passage of this act the salary of the Commissioner of Indian Affairs shall be \$10,000 per annum and the salary of the Assistant Commissioner of Indian Affairs shall be \$7,500 per annum.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS YOUGHIOGHENY RIVER, BOSTON, PA.

The next business on the Consent Calendar was the bill (H. R. 14469) granting the consent of Congress to the county of Allegheny, Pa., to construct a bridge across the Youghiogheny River between the borough of Versailles and the village of Boston, in the township of Elizabeth, Allegheny County, Pa.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the county of Allegheny, in the Commonwealth of Pennsylvania, and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Youghiogheny River, at a point suitable to the interest of navigation, approximately 2 miles above its junction with the Monongahela River, between the borough of Versailles and the village of Boston, in the township of Elizabeth, in the county of Allegheny, Commonwealth of Pennsylvania, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 4, strike out "and its successors and assigns."

Line 6, after the article "a," insert "free highway."

Line 7, strike out "interest" and insert "interests."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS FOX RIVER, AURORA, ILL.

The next business on the Consent Calendar was the bill (H. R. 14473) granting the consent of Congress to the city of Aurora, State of Illinois, to construct, maintain, and operate a bridge across the Fox River, within the city of Aurora, State of Illinois.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the city of Aurora, State of Illinois, to construct, maintain, and operate a bridge and approaches thereto across the Fox River in said city, at a point suitable to the interests of navigation, in substantially a direct line, connecting North Avenue on the west side of the river with North Avenue on the east side of the river, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 5, after the article "a" insert "free highway."

Line 7, strike out "in substantially a direct line, connecting," insert "at or near."

Line 8, after the word "avenue" strike out the comma, and the words "on the west side of the river with North Avenue on the east side of the river."

The committee amendments were agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS FOX RIVER IN AURORA, ILL.

The next business on the Consent Calendar was the bill (H. R. 14474) granting the consent of Congress to the city of Aurora, State of Illinois, to construct, maintain, and operate a bridge across the Fox River within the city of Aurora, State of Illinois.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the city of Aurora, State of Illinois, to construct, maintain, and operate a bridge and approaches thereto across the Fox River in said city, connecting New York Street on the east side of the river with Walnut Street on the west side of the river, the center line of which shall be along the center line of Walnut Street, projected easterly across the Fox River to a point of intersection with the center line of New York Street on the east bank of Fox River, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 5, after the article "a," insert "free highway."

Line 6, strike out "connecting New York Street on the east side of the river with Walnut Street on the west side of the river, the center line of which shall be along the center line of Walnut Street, projected easterly across the Fox River to a point of intersection with the center line of New York Street on the east bank of the Fox River" and insert "at a point suitable to the interests of navigation, at or near New York Street."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS GRAND CALUMET RIVER AT EAST CHICAGO, IND.

The next business on the Consent Calendar was the bill (H. R. 14481) to authorize the construction of a bridge across the Grand Calumet River at East Chicago, Ind.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Indiana whether the Chicago South Shore & South Bend Railroad contemplates building this bridge themselves—

Mr. WOOD. Absolutely.

Mr. SCHAFER. And there is no chance that under section 2 it may become a speculation bill by which they can transfer—

Mr. WOOD. No. I will state the reason for building there is they are making certain street improvements in East Chicago requiring them to move the railroad.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment to the original bill.

The Clerk read as follows:

That the consent of Congress is hereby granted to the Chicago South Shore & South Bend Railroad and its successors and assigns to construct, maintain, and operate a railroad bridge across the Grand Calumet River, at a point suitable to the interests of navigation, in the city of East Chicago, county of Lake, State of Indiana, in accordance with the provisions of an act entitled, "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Chicago South Shore & South Bend Railroad, its successors and assigns, and any corporation to which or person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise is hereby authorized to exercise the same as fully as though conferred herein directly upon such corporation or person.

Sec. 3. That the right to alter, amend, or repeal this act is expressly reserved.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

BRIDGE ACROSS OHIO RIVER AT STEUBENVILLE, OHIO

The next business on the Consent Calendar was the bill (H. R. 14802) granting the consent of Congress to the Pittsburgh, Cincinnati, Chicago & St. Louis Railroad Co. for the maintenance and operation of a bridge across the Ohio River at Steubenville, Ohio.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Pittsburgh, Cincinnati, Chicago & St. Louis Railroad Co., a corporation duly organized under the general laws of the States of Pennsylvania, West Virginia, Ohio, Indiana, and Illinois, its successors and assigns, to maintain and operate its existing bridge and approaches thereto over the Ohio River at Steubenville, Ohio, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The committee amendments were read, as follows:

Page 1, line 3, after the word "to," strike out "the" and insert "The."

Page 1, line 8, after the word "existing," insert "railroad."

Page 2, line 4, after the figures "1906," insert: "other than those requiring the approval of plans by the Chief of Engineers and the Secretary of War before the bridge is commenced."

"SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to The Pittsburgh, Cincinnati, Chicago & St. Louis Railroad Co., its successors and assigns; and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized to exercise the same as fully as though conferred herein directly upon such corporation or person."

Page 2, line 17, strike out the figure "2" and insert the figure "3."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

BRIDGE ACROSS MISSISSIPPI RIVER AT NATCHEZ, MISS.

The next business on the Consent Calendar was the bill (H. R. 14803) to extend the time for completing the construction of the bridge across the Mississippi River at Natchez, Miss., three years from May 3, 1928.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COCHRAN of Missouri. Mr. Speaker, I ask unanimous consent the bill go over without prejudice.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

BRIDGE ACROSS MAHONING RIVER AT CEDAR STREET, YOUNGSTOWN, OHIO

The next business on the Consent Calendar was the bill (H. R. 14919) granting the consent of Congress to the commissioners of Mahoning County, Ohio, to construct a bridge across the Mahoning River at Cedar Street, Youngstown, Mahoning County, Ohio.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress be, and it is hereby, granted to the commissioners of Mahoning County, Ohio, to construct, maintain and operate a bridge, together with the necessary approaches thereto, across the Mahoning River, at a point suitable to the interests of navigation, at or near Cedar Street, Youngstown, Mahoning County, Ohio, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges and other structures over navigable waters."

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The committee amendments were read, as follows:

Page 1, line 5, after the word "a" insert "free highway."

Page 2, line 2, after the word "navigable" strike out the word "waters" and insert "waters, approved March 23, 1906."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

BRIDGE ACROSS ROCK RIVER IN JANESVILLE, WIS.

The next business on the Consent Calendar was the bill (H. R. 14920) granting the consent of Congress to the State of Wisconsin to construct and operate a free highway bridge across the Rock River at or near Center Avenue, Janesville, Rock County, Wis.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COOPER of Wisconsin. Mr. Speaker, just a word about this bill. I introduced it at the request of the Wisconsin Highway Commission acting on the petition of the county board of Rock County. It provides for the construction of a bridge near the center of Janesville, one of the most enterprising and attractive of mid-west cities. The State commission has already considered the petition. Rock County is to pay \$85,000 toward the construction of the bridge and the State \$85,000, which makes a total cost of \$170,000. It, of course, will always be a free bridge, never subject to tolls. [Applause.]

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Wisconsin to construct, maintain, and operate a free highway bridge and approaches thereto across the Rock River, at a point suitable to the interests of navigation, at or near Center Avenue, Janesville, Rock County, Wis., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

BRIDGE ACROSS THE SABINE RIVER

The next business on the Consent Calendar was the bill (H. R. 15067) authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River where Louisiana Highway No. 21 meets Texas Highway No. 45.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, the Louisiana Highway Commission and the State Highway Commission of Texas be, and are hereby, authorized to construct, maintain, and operate a free highway bridge and approaches thereto across the Sabine River, between Vernon Parish, La., and Newton County, Tex., at a point suitable to the interests of navigation, where Louisiana Highway No. 21 meets Texas Highway No. 45, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. There is hereby conferred upon the Louisiana Highway Commission and the State Highway Commission of Texas all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

With a committee amendment, as follows:

On page 2, after line 20, insert:

"SEC. 4. The act of Congress approved May 29, 1928, authorizing the State of Louisiana and the State of Texas to construct a bridge across the Sabine River at or near Burr Ferry, La., is hereby repealed."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

BRIDGE ACROSS THE GRAND CALUMET RIVER, ILL.

The next business on the Consent Calendar was the bill (H. R. 15072) granting the consent of Congress to the commissioners of the county of Cook, State of Illinois, to reconstruct the bridge across the Grand Calumet at Burnham Avenue, in said county and State.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill and amendments.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the commissioners of the county of Cook, State of Illinois, and their successors and assigns, to reconstruct the existing bridge and approaches thereto across the Grand Calumet River at Burnham Avenue in the county of Cook, in the State of Illinois, with such changes in clearances as may be approved by the Chief of Engineers and the Secretary of War, and to maintain and operate the same as a free bridge, all in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With committee amendments, as follows:

Page 1, line 3, strike out all of lines 3 to 9, inclusive, and on page 2 strike out all of lines 1 to 4, inclusive, and insert:

"That the times for commencing and completing the reconstruction of the bridge and approaches thereto across the Grand Calumet River at Burnham Avenue, in the county of Cook, in the State of Illinois, by the commissioners of the county of Cook, State of Illinois, authorized by act of Congress approved March 2, 1927, are hereby extended one and three years, respectively, from the date of approval hereof."

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The title was amended.

The SPEAKER pro tempore. The Clerk will report the next bill.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT SAVANNA, ILL.

The next business on the Consent Calendar was the bill (H. R. 15081) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near the city of Savanna, Ill.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Mississippi River at or near the city of Savanna, Carroll County, State of Illinois, authorized to be built by the State of Illinois and the State of Iowa, or either of them, by the act of Congress approved May 26, 1924, and revived and extended by the act of Congress approved March 10, 1928, are hereby extended one and three years, respectively, from the date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With committee amendments, as follows:

Page 1, line 8, strike out the word "and" and insert the word "as"; and on the same line strike out the word "extended" and insert the

word "reenacted"; and on page 2, line 1, strike out the words "the date of approval hereof" and insert "March 10, 1929."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

BRIDGE ACROSS THE OHIO RIVER, ALLEGHENY COUNTY, PA.

The next business on the Consent Calendar was the bill (H. R. 15084) granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Ohio River between a point at or near Reedsdale Street on the north side of a point at or near Carson Street in the west end of the city of Pittsburgh, Allegheny County, Pa.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the county of Allegheny, in the Commonwealth of Pennsylvania, and its successors and assigns, to construct, maintain, and operate a bridge with approaches thereto across the Ohio River between a point at or near Reedsdale Street in the north side and a point at or near Carson Street in the west end of the city of Pittsburgh, Allegheny County, Pa., at a point suitable to the interests of navigation, approximately 980.4 miles above its mouth, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With committee amendments, as follows:

Page 1, line 4, strike out the word "and," and on line 5 strike out the words "its successors and assigns," and on line 6, after the word "a," insert the words "free highway," and on line 7, after the word "river," strike out the words "between a point," and on page 2, line 1, strike out the words "the north side and a point at or near Carson Street in the west end."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The title was amended so as to read: "A bill granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Ohio River at or near Reedsdale Street in the city of Pittsburgh, Allegheny County, Pa."

The SPEAKER pro tempore. The Clerk will report the next bill.

BRIDGE ACROSS THE DAN RIVER IN PITTSYLVANIA COUNTY, VA.

The next business on the Consent Calendar was the bill (H. R. 15202) granting the consent of Congress to the Danville & Western Railway Co. to rebuild and reconstruct and to maintain and operate the existing railroad bridge across the Dan River in Pittsylvania County, Va.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Danville & Western Railway Co., a corporation of the State of Virginia, its successors and assigns, to rebuild, reconstruct, maintain, and operate its existing railroad bridge and approaches thereto across the Dan River, at a point 7.8 miles west of Danville, in Pittsylvania County, in the State of Virginia, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Danville & Western Railway Co., a corporation of the State of Virginia, its successors and assigns; and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise, is

hereby authorized to exercise the same as fully as though conferred herein directly upon such corporation.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

With committee amendment, as follows:

Page 1, line 5, strike out the word "rebuild."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The title was amended so as to read: "A bill granting the consent of Congress to the Danville & Western Railway Co., to reconstruct, maintain, and operate the existing railroad bridge across the Dan River in Pittsylvania County, Va."

The SPEAKER pro tempore. The Clerk will report the next bill.

LAFAYETTE NATIONAL PARK

The next business on the Consent Calendar was the bill (H. R. 15088) to provide for the extension of the boundary limits of the Lafayette National Park, in the State of Maine, and for change of name of said park to the Acadia National Park.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to accept in behalf of the United States lands, easements, and buildings, as may be donated for the extension of the Lafayette National Park, lying within the bounds of Hancock County within which the park is situated, together with such islands in Knox County adjoining, as lie to the east and south of the main ship channel through Penobscot Bay, which complete the archipelago of which Mount Desert Island, whereon the park is situated, forms the dominant and largest unit.

SEC. 2. That the area now within the Lafayette National Park, together with such additions as may hereafter be made thereto, shall be known as the Acadia National Park, under which name the aforesaid national park shall be entitled to receive and to use all moneys heretofore or hereafter appropriated for the Lafayette National Park: *Provided*, That the provisions of the act of June 10, 1920, entitled "An act to create a Federal Power Commission, to provide for the improvement of navigation, the development of water power, the use of the public lands in relation thereto, and to repeal section 18 of the rivers and harbors appropriation act, approved August 8, 1917, and for other purposes," shall not apply to or extend to any lands now or hereafter included in said park.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE RIO GRANDE

The next business on the Consent Calendar was the bill (H. R. 14458) authorizing the Rio Grande del Norte Investment Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near San Benito, Tex.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I object.

Mr. GARNER of Texas. Will the gentleman reserve his objection?

Mr. SCHAFER. I will reserve it.

Mr. GARNER of Texas. What objection has the gentleman to this bill?

Mr. SCHAFER. If the gentleman will refer to page 2 of the committee report he will see the following language in the report from the Department of Agriculture:

This bill would authorize the Rio Grande del Norte Investment Co., its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Rio Grande River at or near San Benito, Tex. San Benito is on the system of Federal-aid highways approved for the State of Texas, and a bridge across the Rio Grande at this point would draw its traffic almost exclusively from the Federal-aid highway system. The department therefore would recommend that a private toll bridge at this point be not authorized.

Mr. GARNER of Texas. There is not a public highway within 5 miles of where this bridge is to be built. San Benito is 7 miles, as I recall, from the river; there is no village; there are no houses and there is no town on either side of the river.

This is for the purpose of accommodating commerce and individuals who desire to go into Mexico and return from Mexico.

Mr. LA GUARDIA. Will the gentleman yield?

Mr. GARNER of Texas. Yes.

Mr. LA GUARDIA. The weakness of the gentleman's bill is that it makes no provision whatsoever for the amortization of the cost of the bridge and ultimately taking the bridge over by the State.

Mr. GARNER of Texas. Certainly not; and you could not do that by virtue of the fact that you would have to have the consent of the Mexican Government. This is a bridge across an international stream. Five bridges have been built between Laredo and Brownsville, and I think that is conducive to commerce between the two countries, and it certainly takes away any opportunity of monopoly.

Mr. LA GUARDIA. We had a similar situation not very long ago, and the gentleman from Michigan [Mr. Cramton] succeeded in negotiating very favorable terms, and we wrote into the bill a proviso for the amortization of the cost of the bridge and for the taking over of the bridge at the end of a certain period.

Mr. GARNER of Texas. Suppose the State of Texas should take over this bridge; Mexico, being on the other end of it, would collect all the money. You can not amortize the cost of a bridge over an international stream.

Mr. LA GUARDIA. No; but this is a private company that is asking for a permit from Congress.

Mr. GARNER of Texas. Certainly. Suppose this private company amortized its investment and then the bridge became the property, we will say, of the State of Texas, the price would be the same.

Mr. LA GUARDIA. The price would be the same, but the gentleman does not mean to say that Mexico would refuse to come to an agreement with the United States?

Mr. GARNER of Texas. I do not see why Mexico should do that and thus not be able to put the money into the coffers of its treasury.

Mr. LA GUARDIA. The answer to that is that the bridge has two ends.

Mr. GARNER of Texas. I understand it has, and they could stop traffic on the bridge; I will admit that; but the price would be the same. Neither Government can control the price or what shall be charged for crossing that bridge.

Mr. LA GUARDIA. But when we are asked to grant a permit of this kind we can make provisions which will ultimately enable us to protect the users of the bridge, the same as the gentleman from Michigan did with reference to the bridge on the Canadian border.

Mr. GARNER of Texas. I do not know how you can protect it. Suppose the State of Texas owned the bridge and did not want to charge any tolls on it. The only way it could keep from charging tolls would be to have the Mexican Government agree not to charge any tolls; and if they did not agree to that, the Mexican Government would get all the money and put it in their coffers. Therefore you pay the same price without any American being benefited by it.

Mr. SCHAFER. Does the gentleman know the officers of this company? I notice the gentleman has four or five similar bridge bills now on the calendar.

Mr. GARNER of Texas. Yes; I can tell the gentleman. This is private capital raised in the city of San Benito. There is a bridge at Brownsville and there is one at Mercedes just being completed. This is about 60 miles between these two points, and the citizens of San Benito want to have your folks, when they come down there, stop in San Benito before going across the river into Mexico. The chamber of commerce and people of the city of San Benito got together and raised sufficient money to build a bridge across the river from San Benito. They want the people who come that way to cross the river at this point rather than be compelled to go to Mercedes or Brownsville.

Mr. SCHAFER. Then the incorporators of this company are not the incorporators of the other bridge companies?

Mr. GARNER of Texas. No, sir; they are different people entirely, and I will tell you about the others. The Donna Bridge Co. is composed of different people entirely and the bridge company at Rio Grande City is composed of the leading citizens of that city. They have a bridge 10 miles above them at Roma and the people of the city of Rio Grande do not want everybody to run up to Roma and go across the river, but want them to spend a while in Rio Grande city. These bridges are swinging bridges and only cost about \$75,000 or \$100,000.

Mr. LA GUARDIA. Then they could be amortized in five or ten years?

Mr. GARNER of Texas. That would depend on the traffic and what you could get out of it. When it comes to amortizing

a matter of this kind, it is a question of what profit you can make.

Mr. HUDSPETH. There is no complaint from the people down there about the building of these bridges. The people down there want them built and used for the purpose of carrying on the commerce and so they can trade back and forth.

Mr. GARNER of Texas. Yes. There is no complaint about it at all.

Mr. HUDSPETH. I have had six or eight of these concerns created in El Paso and they are created so they can trade back and forth.

Mr. LAGUARDIA. The gentleman will understand that if we take a position on some of these bills we will have to take the same position with reference to all of them.

Mr. GARNER of Texas. But this is a bridge across a river into a foreign country. I agree that there is very good reason for looking into the matter of tolls on bridges in this country because they become monopolies, but there is not a single one of these bridges where there is a highway touching it. There is not even a ferry there at the present time.

Mr. LAGUARDIA. Does the gentleman contend that the Department of Agriculture is wrong in their statement in this report?

Mr. GARNER of Texas. Yes; they thought there was a bridge at San Benito. The bridge is six miles away.

Mr. SCHAFER. Does not the gentleman think this bill ought to go over until a further report can be obtained from the department?

Mr. GARNER of Texas. Of course, if the gentleman insists on it.

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent that the bill may go over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. GARNER of Texas. Does the gentleman desire or intend to make the same request with respect to the other three bridge bills?

Mr. SCHAFER. Yes.

DONNA BRIDGE CO.

The next business on the Consent Calendar was the bill (H. R. 15005) authorizing the Donna Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Donna, Tex.

The clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent that this bill may go over without prejudice.

The SPEAKER pro tempore. Without objection it is so ordered.

There was no objection.

LOS INDIOS BRIDGE CO.

The next business on the Consent Calendar was the bill (H. R. 15006) authorizing the Los Indios Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Los Indios, Tex.

The clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I make the same request with respect to this bill.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that this bill may be passed over without prejudice. Is there objection?

There was no objection.

RIO GRANDE CITY-CARMARGO BRIDGE CO.

The next business on the Consent Calendar was the bill (H. R. 15069) authorizing the Rio Grande City-Carmargo Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Rio Grande City, Tex.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Without objection it is so ordered.

There was no objection.

BRIDGE ACROSS RED RIVER AT COUSHATTA, LA.

The next business on the Consent Calendar was the bill (H. R. 15269) to extend the times for commencing and com-

pleting the construction of a bridge across the Red River at or near Coushatta, La.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, I would like to get some information about this bill.

Mr. SANDLIN. This is to be a free bridge, I will say to the gentleman.

Mr. SCHAFER. All right.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the time for commencing and completing the construction of the bridge across the Red River at or near Coushatta, La., authorized to be built by the State Highway Commission of Louisiana by the act of Congress approved February 3, 1928, are hereby extended one and three years, respectively, from the date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 1, line 8, strike out the words "the date of approval hereof" and insert in lieu thereof "February 3, 1929."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS LAKE MICHIGAN AND THE MICHIGAN CANAL, CHICAGO

The next bill on the Consent Calendar was the bill (H. R. 15333) granting the consent of Congress to the South Park commissioners, and the commissioners of Lincoln Park, separately or jointly, their successors and assigns, to construct, maintain, and operate, or cause to be operated, a bridge across that portion of Lake Michigan lying opposite the entrance to Chicago River, Ill.; and granting the consent of Congress to the commissioners of Lincoln Park, their successors and assigns, to construct, maintain, and operate, or cause to be operated, a bridge across the Michigan Canal, otherwise known as the Ogden Slip, in the city of Chicago, Ill.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the South Park commissioners and the commissioners of Lincoln Park, separately or jointly, and their successors and assigns, to construct, maintain, and operate, or cause to be operated, at a point suitable to the interests of navigation, a bridge and approaches thereto across that portion of Lake Michigan lying opposite the entrance to Chicago River, Ill., in the city of Chicago, county of Cook, and State of Illinois, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the consent of Congress is hereby granted to the commissioners of Lincoln Park, their successors and assigns, to construct, maintain, and operate, or cause to be operated, at a point suitable to the interests of navigation, a bridge, abutments, and approaches thereto across Michigan Canal, otherwise known as Ogden Slip, in the city of Chicago, county of Cook, and State of Illinois, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 3. That the actual construction of each of the bridges authorized in this act shall be commenced within two years and shall be completed within four years from the date of the passage of this act.

SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 2, line 1, strike out the words "and their successors and assigns."

In line 2, strike out the words "or cause to be operated."

In line 3, before the word "bridge," insert the words "free highway."

In line 11, strike out the comma after the word "Park" and strike out the words "their successors and."

Line 12, strike out the word "assigns" and the words "or cause to be operated."

Line 14, before the word "bridge," insert the words "free highway."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

BRIDGE ACROSS THE CUMBERLAND RIVER, HARTS FERRY, TENN.

The next business on the Consent Calendar was the bill (H. R. 15470), granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Cumberland River in the vicinity of Harts Ferry, Trousdale County, Tenn.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the highway department of the State of Tennessee to construct, maintain, and operate a bridge and approaches thereto across the Cumberland River, at a point suitable to the interests of navigation, in the vicinity of Harts Ferry, in Trousdale County, in the State of Tennessee, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 5, after the article "a," insert "free highway."

Page 2, line 2, after the figures "1906" strike out the comma and the words "and subject to the conditions and limitations contained in this act."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read as follows: "A bill granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a free highway bridge across the Cumberland River in the vicinity of Harts Ferry, Trousdale County, Tenn."

A motion to reconsider the vote by which the bill was passed was laid on the table.

IOWA TRIBE OF INDIANS v. UNITED STATES

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to return to Calendar No. 1021 (Senate Joint Resolution 139), for the relief of the Iowa Tribe of Indians.

The SPEAKER pro tempore. The gentleman from Montana asks unanimous consent to return to Senate Joint Resolution 139. Is there objection?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, has the objection previously made been withdrawn?

Mr. LEAVITT. Yes.

Mr. CRAMTON. If the gentleman will yield, it has been explained to me that the litigation in question is to come up in February. The matter has been explained to me and I agreed to withdraw my objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the joint resolution, as follows:

Resolved, etc., That jurisdiction be conferred upon the Court of Claims to hear, determine, adjudicate, and render judgment, in the cause now pending in the Court of Claims, Docket No. 34677, entitled "The Iowa Tribe of Indians versus the United States of America," referred to said court by the act of Congress, approved April 28, 1920 (41 Stat. L. 585), in the claim of the Iowa Tribe set forth in paragraph 6 of the amended petition filed in said court February 17, 1925, regardless of the limitation as to time for filing claims made in said act approved April 28, 1920.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the joint resolution was passed was laid on the table.

BELL OF THE BATTLESHIP "CONNECTICUT"

The next business on the Consent Calendar was the bill (H. R. 12607), authorizing the Secretary of the Navy in his discretion to deliver to the custody of Naval Post 110 of the American Legion the bell of the battleship *Connecticut*.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy is authorized, in his discretion, to deliver to the custody of Naval Post 110 of the American Legion, for preservation and exhibition the bell which was in use on the battleship *Connecticut*: *Provided*, That no expenses shall be incurred by the United States for the delivery of such bell.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. This completes the reading of the Consent Calendar.

ORDER OF BUSINESS

Mr. YATES. Mr. Speaker, I am very much interested in Calendar No. 1049 (H. R. 7206), a bill to establish a national war memorial museum and veterans' headquarters in the building known as Ford's Theater, which bill was introduced by our lamented late colleague, Mr. Rathbone. Do I understand that that is not in order to-day?

The SPEAKER. It is not eligible to be called to-day. The rule distinctly provides that only bills can be called up that have been on the calendar for three days.

Mr. BURTNESS. Mr. Speaker, I understood one of the other Members intended to ask unanimous consent that Calendar No. 1047 (S. J. Res. 59), authorizing the President to ascertain, adjust, and pay certain claims of grain elevators and grain firms to cover insurance and interest on wheat during the years 1919 and 1920 might be considered to-day.

The SPEAKER. The Chair would feel it his duty to ask whether a strong emergency exists in respect to it before recognizing anyone to make such a request. If there was no such emergency, the Chair would decline to entertain such a request.

Mr. BURTNESS. I do not know what the attitude of the committee handling the bill is. It was stricken from the calendar two weeks ago. It was through inadvertence that the bill was not placed earlier upon this calendar.

The SPEAKER. This bill has already been stricken from the calendar.

Mr. LAGUARDIA. It was at my instance that the bill was stricken from the calendar. I went into the matter, and I understand that an amendment will be offered providing that the Comptroller General will do the investigating.

Mr. STRONG of Kansas. That is correct.

The SPEAKER. The Chair does not think that that creates a sufficient emergency, and in accordance with the practice of the Chair he would refuse to recognize anyone to make the request for unanimous consent that it be considered to-day.

FIRST DEFICIENCY APPROPRIATION BILL

Mr. WOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 15848) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1929, and for other purposes.

The SPEAKER. The question is on the motion of the gentleman from Indiana that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the first deficiency appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the first deficiency appropriation bill, with Mr. LEHLBACH in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. The first paragraph having been read, the Clerk will proceed with the reading of the bill under the 5-minute rule.

The Clerk read as follows:

Interior Department.

Mr. ANTHONY. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. ANTHONY: Page 6, after line 7, insert the following:

"SOLICITOR'S OFFICE

"For an additional amount for personal services, fiscal year 1929, \$1,720."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

International Conference for the Safety of Life at Sea: For the expenses of participation by the United States in the International Conference for the Revision of the Convention of 1914 for the Safety of Life at Sea, as authorized by Public Resolution No. 70, approved December 7, 1928, including travel and subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), compensation of employees, stenographic and other services by contract if deemed necessary, rent of offices, purchase of necessary books and documents, printing and binding, printing of official visiting cards, and such other expenses as may be authorized by the Secretary of State, \$90,000, to remain available until June 30, 1930.

Mr. BUCHANAN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.
The Clerk read as follows:

Page 11, after line 18, insert as a separate paragraph the following:
"Water boundary, United States and Mexico: Any unexpended balance on June 30, 1929, of the appropriation, water boundary, United States and Mexico, 1928 and 1929, contained in the act approved February 10, 1928 (45 Stat. 60), shall continue available for the same purposes during the fiscal year 1930."

Mr. HUDSPETH. Mr. Chairman, I had an amendment covering the same proposition.

Mr. ANTHONY. That is satisfactory to the committee.
The question was taken, and the amendment was agreed to.
The Clerk read as follows:

JUDICIAL

United States Court for China: For an additional amount for compensation of the judge as provided by law for the fiscal years that follow:

For 1928, \$166.66;
For 1929, \$2,000.

Mr. ANTHONY. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.
The Clerk read as follows:

On page 11, after line 24, insert as a new paragraph the following:
"Prisons for American convicts: The appropriations for prison for American convicts for the fiscal year 1928-29 are hereby made available for like expenses which have been or may be incurred in Morocco and Ethiopia during those fiscal years, respectively."

Mr. ANTHONY. Mr. Chairman, under the ruling of the Comptroller General the appropriations for the current year are not available to pay for United States prisons in Ethiopia or Morocco, and this is for the purpose of maintaining United States prisoners in those far distant places.

The question was taken, and the amendment was agreed to.
The Clerk read as follows:

TREASURY DEPARTMENT

BUREAU OF INTERNAL REVENUE

Refunding taxes illegally collected: For an additional amount for refunding taxes illegally or erroneously collected, as provided by law, including the payment of claims for the fiscal year 1929 and prior years, \$75,000,000: *Provided*, That a report shall be made to Congress by internal-revenue districts, and alphabetically arranged, of all disbursements hereunder in excess of \$500 as required by section 3 of the act of May 29, 1928 (45 Stat. 996), including the names of all persons and corporations to whom such payments are made, together with the amount paid to each.

Mr. BYRNS. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.
The Clerk read as follows:

After the word "each," in line 12, page 12, strike out the period, insert a colon, and add the following: "*Provided*, That no part of the appropriation herein made shall be available for paying any tax refund in excess of \$75,000 which has not been approved by the Joint Committee on Internal Revenue Taxation."

Mr. ANTHONY. Mr. Chairman, I make the point of order on the amendment.

The CHAIRMAN. Will the gentleman state his point of order?

Mr. BYRNS. What is the point of order?

Mr. ANTHONY. As I heard the amendment read it is new legislation.

Mr. GARNER of Texas. The present law requires them to make a report to Congress.

Mr. ANTHONY. I do not think the present law requires the committee to approve. The amendment would require the approval of the joint committee, which is contrary to existing law.

Mr. HUDSON. May we have the amendment read again?

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection.

The amendment was again reported.

Mr. BYRNS. I am perfectly well aware of the rule which forbids any legislation being placed upon an appropriation bill under the guise of a limitation.

But it strikes me that the rule does not apply to an amendment of this kind. It is true that the law creating the Joint Committee on Internal Revenue Taxation does not provide for the approval or disapproval of the joint committee. Of course, Congress is not under any obligation to make an appropriation for the purpose of refunding taxes, but, if Congress undertakes in this particular instance to appropriate \$75,000,000 for the purpose of refunding certain taxes settled by the Treasury Department, it would seem to me that it should have a perfect right to create the conditions under which those refunds shall be made. It is not a change of the general law; it is simply providing that, in so far as this particular appropriation is concerned, none of it shall be expended unless the Committee on Internal Revenue Taxation has approved, in so far as claims over \$75,000 are concerned.

Mr. SNELL. That would prohibit the Secretary of the Treasury from paying these claims that are over that amount?

Mr. BYRNS. Yes; over \$75,000.

Mr. SNELL. That is giving instructions to the Secretary of the Treasury, and it is not in order on an appropriation bill. It is clearly out of order.

Mr. BYRNS. It is clearly a limitation on the particular appropriation about to be made by Congress.

Mr. SNELL. That does not limit the amount appropriated at all. It does not reduce the amount carried in this bill and that would be paid out under the bill, but it gives definite instructions to the Secretary of the Treasury not to do certain things. That is definite legislation on an appropriation bill and is not in order.

Mr. BYRNS. I do not think in a case where a specific appropriation is made for a definite purpose Congress is prohibited under the rule from laying down the conditions under which that appropriation may be expended, because Congress, if it chose to do so, could refuse to make any appropriation to meet such purpose. But if it chooses to make this appropriation, it can say that it shall be expended in a certain way.

Mr. SNELL. We can not pass an appropriation with a limitation on the discretion of an executive officer.

Mr. BYRNS. This does not limit his discretion or place new duties on the Secretary of the Treasury.

Mr. SNELL. It is a definite instruction, and that is against the rules of the House.

Mr. BYRNS. In so far as this particular appropriation is concerned, not as to his general duties.

Mr. SNELL. It limits his discretion.

Mr. BYRNS. It says to him that, "So far as this appropriation is concerned, you must first have the approval of the joint committee before you expend it." If the Congress should adopt an amendment of this kind it would be tantamount to saying we will not make an appropriation under any other condition.

Mr. SNELL. It is beyond the authority of Congress and against the rules of the House.

Mr. WOOD. Mr. Chairman, while this amendment starts out as a limitation, yet before it is completed it changes existing law in this respect: Everybody who is acquainted with the law creating this joint committee of the House and Senate to review these assessments knows that that committee has no power either to approve or disapprove. That is the law now. If this amendment is adopted it will change the law so as to make it impossible for the Secretary of the Treasury to pay any of these assessments until he receives the approval of the joint committee, which is a distinct change of law.

Mr. MORTON D. HULL. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Certainly.

Mr. MORTON D. HULL. It would really make this committee a tribunal for the hearing of these cases?

Mr. WOOD. Yes; it would make it an appeal board.

Mr. SNELL. I wish to direct the Chair to section 825 of the Manual, which, in substance, says that limitations shall not be offered directly governing the official functions of an executive officer, and the gentleman from Tennessee [Mr. BYRNS] admits that this would be a limitation on the functions of the Secretary of the Treasury. Therefore it would be in violation of the rules of the House.

Mr. BLACK of New York. Mr. Chairman, in a decision rendered by the gentleman from Connecticut [Mr. TILSON] respecting an amendment offered by myself, I think in the Sixty-ninth Congress, first session, where I offered an amendment to the inde-

pendent offices appropriation bill providing that no part of a certain appropriation should be expended in a private shipyard, the Chairman ruled my amendment out of order without citing a precedent. Before adjournment he called me to the Speaker's desk and told me that after an examination of the precedents he found that my amendment was in order. I called up the amendment to that section later, and the Chairman ruled then that the amendment was in order.

Mr. SNELL. This amendment restricts the functions of an executive officer.

Mr. BLACK of New York. We can either appropriate or not appropriate, and in that case the amendment provided that there should be no payment to a private shipyard.

The CHAIRMAN. The Chair is ready to rule. It is a well-known rule of the House that amendments which limit expenditures of money appropriated for a general purpose by excluding some specific purpose embraced in the general purpose are in order, but the rule is clear that such limitation to be in order must simply forbid the use of the money for a certain given purpose. It is the rule that anything carrying an affirmative, substantive change in existing law, that limits the functions or jurisdiction of an executive officer so drastically as to constitute a change of policy, or that imposes upon a governmental agency new duties not imposed upon it by law, is beyond the definition of a limitation and is, therefore, not in order.

The amendment under consideration provides that no tax refunds shall be paid by the Treasury Department in excess of \$75,000 which have not been approved by the Joint Committee on Internal Revenue Taxation. In the first place, ever since the existing income tax law has been in force the Treasury Department has had full discretion in making refunds where it was found that taxes had been improperly paid. To subject that function to the review of another body which has not at present that function is new legislation, involving an important change of policy, and is such a limitation on existing rights and powers of the Secretary of the Treasury as to constitute new legislation.

The point that remains, which is governing, in the mind of the Chair, is that it imposes upon the Joint Committee on Internal Revenue Taxation a function that is not now imposed upon it by law, and this incumbent of the Chair has repeatedly held that such imposition of new duties, in the guise of a limitation, is not in order. The Chair will cite but one precedent and that precedent, the Chair thinks, will be given weight by every Member of this House because of the person who handed down the decision, a person who is still a Member of this House and one whose knowledge of parliamentary law and whose clarity in expounding it is unquestioned. I read from a decision rendered by the gentleman from Georgia [Mr. CARR] in the Sixty-fourth Congress, on March 11, 1916:

But such limitations must not give affirmative directions and must not impose new duties upon an executive officer of the Government.

Now, whether it is an executive officer or a legislative body, an agency of the Government must not, in the form of a limitation, have imposed new duties. Therefore the amendment is held out of order.

Mr. BYRNS. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BYRNS: After the word "each," in line 12, page 12, strike out the period, insert a semicolon, and add the following: "Provided, That no part of the appropriation herein made shall be available for paying any tax refund in excess of \$75,000."

Mr. BYRNS. Mr. Chairman, I regret that a point of order was made against the amendment which I previously offered, but I feel very sure that if the House adopts this amendment a way will be provided whereby the House can be given some information which will enable it to act intelligently upon the large settlements that are being made by the Treasury Department in the way of tax refunds.

As was said upon Saturday, the legislation which was finally adopted with reference to the creation of the Joint Committee on Internal Revenue Taxation, composed of Members of the Senate and Members of the House, was a matter of compromise; but I can not bring myself to the idea that there was any Member of the Congress who voted to appropriate \$40,000 a year, and more than that sum, for the employment of experts to consider these reports or settlements of more than \$75,000, with any other idea save that the committee would give some attention to those settlements and advise the Congress and also the Treasury Department as to its conclusions. Certainly it seems to me to be an entire waste of money to appropriate

more than \$40,000 every year to employ experts and then to take the position that the joint committee is nothing more than a committee to receive the returns and send them back to the Treasury within 30 days. We are not justified, it seems to me, in appropriating money for the payment of experts unless they do perform some function.

I dare say there are no Members of the House, unless it be the members of this joint committee, who feel within themselves that they have sufficient information to say that these settlements should be allowed, or are willing, as individual Members of the House, to approve them; as we will approve them and as we do approve them when we vote this appropriation. That is said without any intention to reflect upon the Treasury Department or anyone else, but the facts are that you and I are here called upon by a vote for this appropriation to thereby expressly approve the settlements made by the Treasury Department in excess of \$75,000, which will be paid out of this sum, when as we know, and as was said on a previous day when this bill was under discussion, the joint committee with this great force of experts, after a hearing upon one of the claims expressly refused, after a motion was made, to go upon record as approving it.

Now, it seems to me there can be no objection and should be no objection upon the part of the Treasury Department, and certainly not upon the part of any Member of Congress, to the adoption of this amendment, which will undoubtedly bring about an examination of these settlements of over \$75,000, so that when we come to act we can at least act with the assurance that Members of this House charged with that particular duty have passed on them and have approved them after investigation. Now, Mr. Bond, in his hearing before the subcommittee—

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. BYRNS. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. BYRNS. Mr. Bond, in his testimony before the Subcommittee on Appropriations, stated that after these reports were returned by the joint committee they were paid. Of course, they must be returned within 30 days.

What is the object, gentlemen, in sending them up here to this joint committee? Of course, they say it is for publicity purposes. You can have publicity without that. Why provide experts at a cost of over \$40,000 a year if it is only for publicity, when a clerk could receive them and afford the newspapers of the country and the other inquiring citizens opportunity to see them, if publicity is all that is to be expected?

But it is said that possibly there is another object. It is expected that these experts shall examine them, and then if they find there is anything wrong with them, report that to the Treasury Department. If this be true, when they find nothing is wrong with them why not make that report to the Treasury Department and at least give you and me the satisfaction of knowing that when we vote to make this immense appropriation, involving twenty-odd million dollars to some and six and a half million dollars to another big interest in this country, and millions to others, that the matter at least has been investigated by those who share with you and with me equal responsibility in connection with the money in the Treasury and our duty to the taxpayer.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BYRNS. Yes.

Mr. LAGUARDIA. How long have these experts of the joint committee had these particular refund cases before them for consideration?

Mr. BYRNS. The law provides that they shall be sent to the joint committee and returned within 30 days, according to my recollection.

Mr. LAGUARDIA. That is the returning feature, but how long have they had to actually examine them?

Mr. BYRNS. I could not say to the gentleman. I do not know just when they were sent up, but I take it they are sent up immediately after the finding is made in the Treasury Department and then interest stops running for 30 days. At the end of the 30 days, the Treasury Department proceeds to pay them.

Mr. LAGUARDIA. Are they all sent at one time?

Mr. BYRNS. No; they are sent up as they are settled in the Treasury Department and are sent at different times.

This is the whole object of the amendment. It is just the simple proposition of whether we, acting here upon our responsibility as Members of Congress, representing not only those

who are entitled to these refunds, but representing the taxpayers and the Treasury of our Government, shall insist that we have some information before we vote this immense sum out of the Treasury.

This does not affect any small taxpayer. Anyone who has had a settlement made with him under \$75,000 will be able to receive the money if this amendment is adopted.

Mr. DEMPSEY. Will the gentleman yield for a suggestion? Mr. BYRNS. Yes.

Mr. DEMPSEY. Will not every stockholder of the 25,000 stockholders of the United States Steel Corporation, for instance, be affected by this limitation?

Mr. BYRNS. Oh, undoubtedly.

Mr. DEMPSEY. And would not that be true of any corporation which has a refund, or is entitled to a refund, above \$75,000?

Mr. BYRNS. The gentleman has referred to the Steel Corporation. I had referred to none in particular, but does the gentleman think that the Steel Corporation will be very seriously affected financially if a few weeks are consumed in considering the settlement made by the Treasury Department?

Mr. DEMPSEY. If the gentleman concedes, as his question does concede, that at the end of a few weeks this is to be paid and we are simply to discuss it as a formal question meaning nothing, but we are going to pay it when we have discussed it for a few weeks—

Mr. BYRNS. Oh, no; I do not concede that at all.

Mr. DEMPSEY. That is what the gentleman's question implies.

Mr. BYRNS. No.

Mr. DEMPSEY. If that is so, then, of course, it will not affect the stockholders of the Steel Corporation.

Mr. BYRNS. Oh, no.

The CHAIRMAN. The time of the gentleman from Tennessee has again expired.

Mr. BYRNS. Just two minutes more, Mr. Chairman?

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed for two additional minutes. Is there objection?

There was no objection.

Mr. BYRNS. The gentleman rather puts words in my mouth, because certainly what I said could not be construed as the gentleman undertakes to construe it.

My whole position is that these claims should be sent up here to the joint committee, and that this joint committee, which is provided with experts at the expense of the Treasury of the United States, should be required to function just as I think all of you, when you voted this appropriation, expected it to function; because if you did not expect this, then you were voting money out of the Treasury uselessly and for no purpose whatever. You might just as well have provided it with one clerk to receive these reports, to give them that publicity which you say was intended, and then send them immediately back to the Treasury Department. That is all this proposition involves; and I say that one of these experts—and my information is obtained from the hearings—the head of the expert force of the investigating committee, stated he could examine this entire Steel Corporation report in 60 days.

Mr. DEMPSEY. How long after the adjournment of the present session of Congress?

Mr. BYRNS. He said he could do it in 60 days.

Mr. DEMPSEY. Does not the gentleman from Tennessee realize that if we gave him 60 days that would mean 4 or 5 days after this session of Congress had adjourned? In other words, the gentleman thinks that some time during some future session he might be able to report.

Mr. BYRNS. Well, I know this: It took the Treasury Department 11 years to pass upon this claim, and during all that time it was bearing interest, which now amounts to more than \$11,000,000 upon a claim of \$15,000,000. It seems to me, under these circumstances, it is not unreasonable that we, as Members of Congress, called upon to vote this immense sum of money, should have the experts provided for this joint committee given 60 days in order to pass upon it and give the Congress the benefit of their findings as to the correctness or incorrectness of these large settlements.

The CHAIRMAN. The time of the gentleman from Tennessee has again expired.

Mr. ANTHONY. Mr. Chairman, I think that the amendment offered by the gentleman from Tennessee [Mr. BYRNS] is extremely arbitrary. Under it a claim for \$74,999 could be approved and paid, but if it were for \$75,001 the Treasury could not pay it.

Mr. GARNER of Texas. When Congress passed the law creating this joint committee it fixed an arbitrary rule in respect to \$75,000.

Mr. ANTHONY. Oh, no; it did not. It fixed an arbitrary rule under which the joint committee could get the facts in regard to a claim.

Mr. GARNER of Texas. Yes.

Mr. ANTHONY. And did not say that the claim should not be paid.

Mr. GARNER of Texas. If we fix an arbitrary rule now it would correspond with the arbitrary rule fixed by Congress when we created that joint committee.

Mr. ANTHONY. Furthermore, if the amendment should be agreed to it would place the United States Government in a decidedly unfair situation, in a position that I do not believe any citizen should ask it to occupy, because the Government does not want to take an unfair advantage in its transactions with the taxpayers. What would happen if the amendment should prevail? It means that when a case is taken into the Treasury Department for payment of additional taxes and determined the Government must promptly demand that the taxpayer pay at once, with interest running from the date of that demand. There is no escape for Mr. Taxpayer; he must pay. What happens if the shoe is on the other foot? Under the proposed amendment of the gentleman from Tennessee, if the amount exceeds \$75,000 you tie the claim up for an interminable period, and you can not pay it at all. It is not fair, it is not equitable, it would not stand before any fair-minded tribunal. That is the first objection to it.

The practical effect of it would be to prevent use of most of the money carried in the bill for tax refunds. It means that a number of very deserving taxpayers would be deprived of their money. The gentleman from Tennessee [Mr. BYRNS] and other gentlemen who have taken an interest in this item are undoubtedly striving to prevent payment to the United States Steel Corporation. If it is any satisfaction to them, I might say that I have had information from the Treasury Department that that claim was in process of payment this morning, and it is probably all paid by now out of the funds available from the balance appropriated for this fiscal year.

Mr. DEMPSEY. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DEMPSEY. Mr. Chairman and gentlemen, I shall discuss very briefly the amendment proposed and the objections offered by the distinguished gentleman from Texas, my very good friend Mr. GARNER, on Saturday. The first question is as to this amendment. The amendment proposes that no payment shall be made under these refund provisions until the joint committee has approved. In order to appreciate what that means, let us see what the situation is as to refunds. I find that the refunds have averaged in amount from \$609,000 in 1916 to \$142,000,000 in 1928, and anyone who is at all familiar with the situation will find that most of these refunds are to large corporations, such as the United States Steel Corporation, where the report is a tremendously involved one, where, as in the case of the United States Steel Corporation, there are 195 subsidiaries, and all of the reports of these various subsidiaries are included in one consolidated report. The gentleman from Texas [Mr. GARNER] says that it is a curious thing and a very extraordinary thing that these refunds are all made to big corporations. That is not only not a curious thing, but it is an inevitable thing. Can you make these refunds to the man who runs a lunch counter, or a peanut stand, or who is a news vender? Of course, the large refunds have to be made to the large taxpayers, and the large taxpayers are the large corporations. So that that criticism is a criticism of what is inevitable, not an unnatural but an absolutely natural thing. You make large refunds to the men who have paid large taxes.

Let us see what the history in a general way is of refunds and back collections. We find that every year during the years since the income tax law was enacted there have been refunds and there have been collections. We have the exact figures for several years, and we find that in no year has the amount of the refunds been one-half, 50 per cent, of the back collections. The United States Steel Corporation we may take as an illustration. The tax we have before us is the tax for 1917. If the Democrats are going to insist, if my distinguished friend from Texas is going to insist that we shall be blamed, as for something culpable and wrong, for making refunds, then he also must give us credit for back collections, because these collections are for Democratic years just as much as refunds are for Democratic years. So give us the full credit. Remember, each year we have made a refund of \$1 we have collected for the years of Democratic administration at least \$2 in every instance, and under the table that I will present something more than \$2.

Let us take the next question. Ought we to approve any such amendment as that suggested? I think the gentleman from Texas [Mr. GARNER], who said that he is proud of the House of Representatives, and I believe he is, will pause and consider most seriously and thoughtfully before he advocates any such legislation, for that is what it is. Those of you who have served here for a long time will remember that many years ago Mr. GILLET, now Senator, and before he became Speaker of this House, came down into the pit here and made a long speech upon the never-ending controversy for governmental authority and control between the executive and the legislative branches of the Government.

And analyzing that at great length Senator GILLET said that the substantial way in which the House of Representatives maintains its standing, its prestige, its influence against the spectacular and captivating appeal of popular Presidents like President Roosevelt was through the fact that after all it had control of the purse strings of the Government. Now the gentleman from Georgia on Saturday said, Ah, yes, but that is not a constitutional provision; it is only the growth of an immemorial, uninterrupted, continued, wise system, and so the gentleman from Texas, about to become the leader of his party, about to lead one of the two great parties in this House of which he is proud, starts his career or would start his career if he advocates this thing, which I do not believe he can seriously advocate, by asking for a surrender of the greatest privilege and source of jurisdiction of this House, because the instant you say that the Senate may join with us in determining whether or not we shall appropriate that instant you break up this custom, you lose its force, its continuity, you make the Senate a sharer with the House in what up to this time has been recognized to be the sole prerogative of the House. Then, second, one of the committees of which we are justly proud, one of the great committees of this House is the Committee on Appropriations, and the gentleman would also deprive that committee of functioning and determining matters which are brought before it and would send such matters to a joint committee composed of Members of the Senate as well as Members of the House. This shows how impractical, how useless, how senseless, and how theoretical all this legislation would be.

Mr. GARNER of Texas. Will the gentleman yield for a question?

Mr. DEMPSEY. I will.

Mr. GARNER of Texas. Speaking for myself, I will accept an amendment, if it is possible, by providing that before this \$75,000, or anything in the case, shall be paid this joint committee shall make recommendation to the Appropriations Committee of the House of Representatives, and—

Mr. DEMPSEY. That does not cure it.

Mr. GARNER of Texas. Thus giving the Appropriations Committee information as well as giving it jurisdiction.

Mr. DEMPSEY. No; that does not cure it. It still makes this House and that committee subject to the voice of the Senate. You are going out of your way to say we should abolish a time-honored custom, we shall take that away from this House, that we shall give up that which gives it the most influence and prestige and surrender it voluntarily, holding it out to the Senate. Now, the gentleman knows as a lawyer how useless, how senseless, that amendment would be. Here is a case—the United States Steel refund case—which has taken the Treasury Department 10 years to consider, a case with truckloads of evidence. Now, the gentleman asked the House on Saturday, Are you prepared to go to your constituents and say to them you voted for that without knowing anything about it? Let us see whether that question amounts to anything. Does the gentleman in good faith say that it would be possible for any man on the floor, if he devoted 60 days, 90 days, or six months to the consideration—

The CHAIRMAN. The time of the gentleman has expired.

Mr. DEMPSEY. I ask for five additional minutes.

The CHAIRMAN. Is there objection to the request? [After a pause.] The Chair hears none.

Mr. DEMPSEY. The gentleman knows well at the end of six months the Members of this House, every one, would be in the same condition they are to-day. He knows it is impracticable. He knows it is impossible for them to study a case like that, even to begin to comprehend the facts. So I say from that standpoint it is utterly useless.

Mr. SCHAFER. Will the gentleman yield?

Mr. DEMPSEY. I will.

Mr. SCHAFER. Then, what is the necessity for spending \$40,000 of the people's money each year for the experts for the joint committee?

Mr. DEMPSEY. I think probably those experts are as able and competent men as can be found. The gentleman from Texas and the gentleman from Tennessee say that in the course

of 60 days Mr. Parker might be able to report some knowledge of this particular case.

Neither one of them claims that any Member of the House would know anything more than he does to-day, and what these gentlemen suggest is this: That instead of taking the word of the Treasury Department, upon which we have relied for all these years since the income tax law was adopted and which has been followed by uniform and marvelous success in the collecting of back taxes which were not paid under a Democratic administration to the amount of over \$2 for every dollar refunded—I say, instead of relying upon them who are our constitutional advisers, and whose advice we have found so useful and so helpful, we shall rely upon a subordinate employee of a committee about whom no Member of this House, except members of the joint committee, knows anything; whereas every taxpayer and every citizen of the United States knows Andrew Mellon.

Practically every one of them knows David Blair. Everyone has found by experience that he can rely upon them and trust them, and has found that the general public throughout this country rely on them. Who knows Mr. Parker? I am not saying that Mr. Parker is not an admirable man and a good expert, but I am saying nobody knows him. On the other hand, we do know these other two men, and we trust them because we have found that we have the right to trust them.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. SCHAFER. If we follow the gentleman's argument to a logical conclusion, we should necessarily abolish this committee and thus save the taxpayers \$40,000 a year.

Mr. DEMPSEY. Oh, no. The committee, perhaps, is useful to a certain extent. It does give a means of publicity to these claims, and it does give a means of investigation. It is, perhaps, to a certain extent helpful. But you can not afford to push the jurisdiction or work of this committee any further than we have gone. I am sure the gentleman from Texas [Mr. GARNER] would not want to surrender the prestige and the power and prerogatives which this House now possesses by any such amendment.

Mr. BYRNS. The gentleman speaks of the Treasury Department passing upon these claims. The gentleman, of course, is aware of the fact that in all these cases they are really acted upon by one of the employees of the Treasury Department.

Mr. DEMPSEY. Allow me to answer that. I do not think there is a Member of this House who has not had experience with the Income Tax Bureau or division, and I think every one of us knows this: That each return passes through several hands, and very often it passes through a court of appeals right in the Treasury Department; I have never found a case myself where I acted for a constituent when I did not meet at least three men who have examined the facts, and who understand the facts, and who have been intelligent and active and zealous in the performance of their duties.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. DEMPSEY. May I have three additional minutes?

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. O'CONNOR of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. DEMPSEY. Certainly.

Mr. O'CONNOR of Louisiana. The gentleman from New York is justly proud of the power and prestige and influence of the House of Representatives. May I ask the gentleman if that prestige is involved in any way in the failure thus far of his endeavor to obtain consideration of a river and harbor bill at the present session?

Mr. DEMPSEY. I will answer that at a later time.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield there?

Mr. DEMPSEY. Yes; I yield to the gentleman from Michigan.

Mr. CRAMTON. The gentleman just had a question from the gentleman from Texas [Mr. GARNER], which would seem to indicate that the gentleman from Texas recognizes the injustice of our denying the payment of claims above a certain fixed amount, and suggests that we might bar payment until the claims are examined by his committee. But those claims are so numerous and so complicated that unless we set up under that joint committee an organization almost duplicating the force of the Internal Revenue Bureau, that committee could not reach the point where they would feel justified in approving those claims.

Mr. DEMPSEY. Yes. Not only that, but I recognize that, taking into consideration an individual claim, such as the

Steel Trust claim, might require years of examination. The gentleman from Texas said four methods were adopted for the consideration of these claims, and that with three of them he was satisfied, and the fourth he severely criticized.

Mr. GARNER of Texas. No. "The gentleman from Texas" said the adoption of any one of the three would have been satisfactory, and would have saved the Government many millions of dollars.

Mr. DEMPSEY. I will take the gentleman's present statement. All that the gentleman criticized in his speech on Saturday was the fact that the corporation was heard. Have we reached the point where a taxpayer is not entitled to be heard? Even in a criminal case the criminal in the dock has the right to be heard. And yet the gentleman from Texas criticizes this severely, and says that that is a thing which he characterizes as improper and reprehensible.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. DEMPSEY. May I have three additional minutes?

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DEMPSEY. The gentleman from Texas makes the complaint that that is really a reprehensible thing—the fact that these corporations were heard.

Why, gentlemen, how is the case to be presented at all? How are you to have anything except to go back to the star-chamber proceedings of hundreds of years ago, which Anglo-Saxon progress and energy and love of liberty have banished for all time? How are you to have anything except that unless you give the attorneys for these corporations the right to be heard, and that, I take it, as we all listened Saturday, was the chief subject of criticism on the part of the gentleman from Texas.

In closing, gentlemen, permit me to say this: That I will put in as a part of my speech the income taxes collected in this country since the income tax law came into force, the tax refunds during that period, the total taxes paid during that period, and the amount of back taxes collected. You will find on examining them that they constitute a glorious and splendid record. You will find that they redound to the credit of Andrew Mellon and of David H. Blair. You will find that you will be glad to follow these men who have done so marvelously well throughout all of the period since 1920. [Applause.] The matter referred to is as follows:

TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER OF INTERNAL REVENUE,
Washington, January 7, 1929.

Hon. STEPHEN W. DEMPSEY,
House of Representatives.

MY DEAR CONGRESSMAN: Reference is made to your telephone request this morning that you be advised with respect to the following data:

1. Amount of income taxes collected by years since the enactment of the income tax laws.
2. Total amount of internal-revenue taxes from all sources by years since the enactment of the income tax laws.
3. Amount of income-tax refunds by years during that period.
4. Amount of back taxes collected by years.

So far as it is available, the information is given below:

1. Amount of income taxes collected by years since the enactment of the income tax laws:

1914	\$71,381,274.74
1915	80,190,693.80
1916	124,916,315.51
1917	359,685,147.56
1918	2,838,999,894.28
1919	2,600,762,734.84
1920	3,956,936,003.60
1921	3,228,137,673.75
1922	2,086,918,464.85
1923	1,691,089,534.56
1924	1,841,759,316.80
1925	1,761,659,049.51
1926	1,974,104,141.33
1927	2,219,952,443.72
1928	2,174,573,102.89

2. Total amount of internal-revenue taxes from all sources by years since the enactment of the income tax laws:

1914	\$380,008,893.96
1915	415,681,023.86
1916	512,723,287.77
1917	809,393,640.44
1918	3,698,955,820.93
1919	3,850,150,078.56
1920	5,407,580,251.81
1921	4,595,357,061.95
1922	3,197,451,083.00
1923	2,621,745,227.57
1924	2,796,179,257.06

1925	\$2,584,140,268.24
1926	2,835,999,892.19
1927	2,865,683,129.91
1928	2,790,535,537.68

3. Tax refunds (see note):

	Total	Income tax, exclusive of interest	Interest	Income tax, including interest
1916	\$609,901.32			
1917	887,127.94			
1918	2,088,565.46			
1919	5,654,171.21			
1920	15,639,952.65			
1921	28,656,357.95			
1922	48,134,127.83			
1923	123,992,820.94	\$85,094,635.00	\$2,393,146.02	\$87,487,781.02
1924	137,006,225.65	118,311,078.78	6,543,223.30	124,854,302.08
1925	151,885,415.60	107,253,329.95	29,432,762.78	136,686,092.73
1926	174,120,177.74	116,623,311.92	40,883,726.53	157,507,038.45
1927	103,858,687.78	70,372,252.33	20,067,045.94	90,439,298.27
1928	142,393,667.17	95,280,950.93	26,402,332.59	121,683,283.52

[NOTE.—Data not available at all as to years prior to 1916 and not as to income taxes for 1922 and prior years.]

4. Back tax collections (see note):

1921	\$179,000,000.00
1922	94,000,000.00
1923	300,000,000.00
1924	300,000,000.00
1925	276,821,703.44
1926	295,982,056.33
1927	331,476,826.27
1928	277,835,602.35

I hope this information will serve the purpose for which you have requested it.

Sincerely yours,

D. H. BLAIR, Commissioner.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. WOOD. Mr. Chairman, I want the attention of the committee for a very few minutes, in order that you may know exactly the question before the committee and what it means. On last Saturday we were informed that an amendment would be offered under the 5-minute rule to strike out this item entirely. All of the debate upon that day was based upon the assumption that that character of motion would be made here to-day, but gentlemen upon the other side, upon reflection and after timely consideration, have concluded that they do not want to take that responsibility, and no one should want to take it. They have lessened in some little degree their attitude, but what does their present proposal mean and what is it? It is proposed now that no sum in excess of \$75,000 shall be paid out of this appropriation. The major portion, as I am informed, of this appropriation will be used to pay claims in excess of \$75,000. Now, what will happen if this amendment prevails? It means that no payments shall be made where a claim is \$75,000 or more, so that most of this appropriation will not be used and those entitled to refunds will not get what they are entitled to.

I wish to call attention to this fact, that if this amendment is adopted there will be no use for this joint committee and this expert, for even if this expert, under the law creating that official and this committee, were to make an investigation and were to find in favor of a payment or against it, their report would amount to nothing. If they determined in favor of a payment it could not be made if this amendment is to prevail, so that we are in this ridiculous position: We have a law giving authority to the Treasury Department of the United States to make these refunds, and yet this body is saying to the Treasury Department of the United States, which has been making these refunds under established law and regulations since the beginning of this income tax law, that no payment shall be made in excess of \$75,000.

Mr. GARNER of Texas. Will the gentleman yield?

Mr. WOOD. What is going to happen? These claims are being passed upon at the rate of 14,000 a month or 170,000 a year. This Congress is going to adjourn very shortly, and unless some new law is enacted to supplant that law the fear that has been expressed by the gentleman from Texas, now on his feet, time and time again, will become a reality and the whole system will break down. I now yield to the gentleman from Texas.

Mr. GARNER of Texas. So far as excess-profits taxes are concerned, the testimony is that there are only 12,000 cases still pending, and if they are passing on them at the rate of 14,000 a month, they would be through with them in 30 days.

¹ Exact figures not available for the years 1921, 1922, 1923, and 1924. No figures available for years prior to 1921.

Mr. WOOD. The gentleman knows that if they pass on them at the rate of 170,000 a year, with the cases now pending, it will take three years to become current. The gentleman from Texas was insistent upon our increasing the number of the judges upon the Board of Tax Appeals in order that we might have the work made current, and we did that, more largely at his behest than at the behest of anyone else. Now, for the purpose of preventing payment, he is not only going to add to the burden of these agencies that are now overburdened but he is going to destroy the very machinery that makes it possible to have these tax refunds made. So we are presenting a most ridiculous picture to the American public. We are acknowledging that we have millions of dollars that have been erroneously taken from the pockets of the taxpayers of this country and yet we are now like children proposing that we are not going to pay the money back if a claim exceeds \$75,000. What inconsistency! What a travesty it is!

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. GARRETT of Tennessee. Mr. Chairman, I ask the attention of the Members for just a few moments in order that I may explain my attitude upon the pending amendment.

If the amendment first proposed by my colleague from Tennessee had not fallen before a point of order, I should have given it my support, because it would have added at least an additional safeguard on this question of refund, and the matter which seems to worry the gentleman from New York [Mr. DEMPSEY] as to the House surrendering some prerogative that belongs to it would not, in my opinion, have been in the way at all, or at least not to an extent that would have prevented my supporting that amendment.

But, Mr. Chairman, when it comes to this amendment, I find myself driven to the conclusion that I ought not to support it.

The refund settlements that are involved and provided for in this \$75,000,000 have been made under the processes of law as that law existed. There is no proposal involved in the amendment now offered by my colleague providing for a change of the law. It could not be because it would have fallen before a point of order, just as his other amendment did. So we find ourselves in the parliamentary situation where we are thrown up against the naked proposition of whether we will vote to make the refunds that have been established under the processes of law that have been in progress through all these years or whether we will hold them up where they are in excess of \$75,000.

Mr. BYRNS. Will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. BYRNS. Does not the gentleman know, as a matter of fact, that if this amendment is adopted the Congress is not going to refuse to appropriate money for the payment of these settlements, and that we will then have a way by which you and I and other Members of this Congress can vote intelligently and not vote \$75,000,000 or any other sum out of the Treasury without the slightest information upon the part of the gentleman or myself or any other Member as to whether we are doing the right thing or not.

Mr. GARRETT of Tennessee. Well, all that I know about it is that these refunds have been made under the processes of law that have been in existence through all these years, just as other refunds have been made in the past.

I sympathize with the attitude taken by my colleague from Texas [Mr. GARNER]. I appreciate the force of the criticisms made by him in his addresses upon the subject. I stand ready to vote for any additional safeguards of law that it is possible to have, but when it comes to the naked amount of appropriations made simply to carry out law that has been in existence here all these years, I find myself greatly disturbed at being invited to vote against the refunds, and do not see how I can do it.

Mr. GARNER of Texas. Mr. Chairman, I move to strike out the last word.

Mr. Chairman and gentlemen of the committee, I regret exceedingly that our leader has found himself unable to support this amendment. I was under the impression it had his sympathy and would have his support. It might have been because I was under the impression that the limitations that were first offered in the amendment were in order.

I want to call the attention of the gentleman from Tennessee to the fact that as a minority party seeking to remedy a condition that seems to me demonstrates bad administration of this law, we have no remedy except the one this amendment may possibly bring about. If we had a remedy, if a bill was before the House at this time, where we could have an opportunity to place on the statute books such remedies as the gentleman speaks of or those that might occur to our minds, I would join the gentleman most heartily, and I admit that this is an indi-

rect effort to accomplish what you and I would like to accomplish. This is the only opportunity, I repeat, and unless we avail ourselves of it, then these conditions which have been discovered by the joint committee will continue to exist in the Treasury Department, so far as we know, for all time to come.

Turn to page 1219 of the RECORD, if you desire, and look at the case that I briefly called your attention to on last Saturday, known as the "X" tobacco case, which is the Reynolds Tobacco Co. You will find that the Treasury Department gave the Reynolds Tobacco Co. \$9,200,000, not \$7,628,000, as reported to the joint committee, because they had already given them prior to that time \$1,600,000.

No court can reach that case. No remedy is at hand except to withhold the money and let this committee look into it. This committee, through its agent, did criticize that settlement.

Mr. GARRETT of Tennessee. Is that involved in this appropriation?

Mr. GARNER of Texas. No, sir; not in this appropriation; but similar cases are involved.

The testimony shows the United States Steel Corporation will be settled within this fiscal year if they are paid to-day on the same basis that they have been settled with, and that they will pay them in the neighborhood of \$28,000,000 additional, including \$13,000,000 interest. That is the testimony from the Treasury Department. And not only testified to before the committee, but testified to before the joint committee. This case of the United States Steel Corporation is being settled for the 1917 taxes only, and Mr. Bond says, "If you approve this, or if we settle with them on this basis, I hope to settle with them; and I believe I can settle with them for the 1918, 1919, and 1920 taxes on the same basis"; and that will involve giving them \$28,000,000 additional.

This may be a harsh remedy temporarily, but this does not mean that we are not going to pay these people every dollar that we owe them. There is not a man in this House who would refuse to return to the taxpayer every dollar that he paid into the Treasury that the law did not require him to pay; but I do say, in view of the facts that we have deduced here by a small investigation of the joint committee, that we ought to have an opportunity now to go into the merits of some of these.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BYRNS. Mr. Chairman, I ask unanimous consent that the gentleman may have 10 additional minutes.

Mr. GARNER of Texas. Oh, I do not think I want them. I occupied the floor on Saturday, and tried to explain at that time as far as I could. I shall ask for five minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent for five minutes. Is there objection?

There was no objection.

Mr. GARNER of Texas. Mr. Chairman, no one wants to refuse to pay whatever is just in a refund of taxes erroneously paid, but are you afraid to have your joint committee make an investigation of those claims in excess of \$75,000? There is a reason for that. Congress authorized and directed this joint committee to make an investigation of everything in excess of \$75,000. It makes the investigation. It criticizes and protests the payment, but the Treasury continues to make the payment.

Mr. COLE of Iowa. Mr. Chairman, will the gentleman yield?

Mr. GARNER of Texas. Yes.

Mr. COLE of Iowa. Would the interest run on?

Mr. GARNER of Texas. Certainly.

Mr. COLE of Iowa. How much would the interest be?

Mr. GARNER of Texas. Oh, I have heard a good deal about that interest question. It is very alarming to the gentleman from Iowa and every other man who stands in his position, who are hunting an excuse to do what the Treasury wants, and then do it. We are paying $4\frac{1}{4}$ per cent interest now on the last borrowings of the Secretary of the Treasury, the greatest one since Alexander Hamilton, who has refunded every debt at a less rate of interest than a Democrat did. He is paying $4\frac{1}{4}$ now on several hundred million dollars that he borrowed the last time. That is only $1\frac{1}{4}$ per cent interest difference, so do not bother too much about the interest. You are paying $4\frac{1}{4}$ now for this money that you give to the taxpayer.

No one wants to refuse to pay this obligation of the Government, but all we ask is an opportunity to look into it and see if the refund has merit. Do not you want to do that? Is there a taxpayer having an application for refund at the present time which amounts to over a billion dollars who will object to the joint committee of the House or its experts examining to see whether the Treasury Department has allowed them their correct amount of refunds? As I said the other day, the Secretary of the Treasury ought to welcome it. The joint committee has criticized a number of them. The joint committee has sug-

gested different methods upon which to ascertain the facts and has criticized the total amount to be returned. But you gentlemen are not willing to postpone for 60 days or 90 days or 6 months, for that matter, the payment of these refunds in excess of \$75,000 in order to give the joint committee an opportunity to function, in order to give this joint committee an opportunity to do what the law intended it to do, and, Mr. GARRETT, this is the only way that we can force it to be done. There is no other way that I know of by which you can compel this joint committee to act; when we get the eyes of the country focused upon it we will get results. With this amendment you will have it acting, and you will have it approving or disapproving and you will have some information by which Mr. ANTHONY and the other members of the committee can arrive at some intelligent conclusion as to how much they ought to appropriate for refunds and know of the merits of those refunds, which will be included in that lump-sum appropriation.

Mr. LOZIER. Mr. Chairman, will the gentleman yield?
Mr. GARNER of Texas. Yes.

Mr. LOZIER. In view of the fact that our Government is built around Congress, is it not a matter of the highest ethics and duty of Congress to find out from its own experts if necessary and possible whether or not these expenditures are just?

Mr. GARNER of Texas. Oh, yes. When I saw my friend from New York [Mr. DEMPSEY] get up the other day, come down from New York and take an active interest in this case, I said, "There is the greatest defender the Republican Party has, and there must be something dead up creek." [Laughter.] Whenever you see that gentleman coming in here you may know that the old G. O. P. is in trouble and they have sent for him. I think gentlemen understand this amendment, and I am willing to have it voted on now.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CRAMTON. Mr. Chairman, the pending amendment simply proposes that if a claim is above a certain amount we shall not appropriate for its payment. There is no method proposed that would define any more clearly our liability than the present law. None even has been suggested that would in any way improve the situation. The amendment would even go so far as to prevent the payment of judgments above \$75,000 rendered against collectors which would carry interest.

I have been interested in getting the division of sentiment in the minority party in the House on this question. We have heard on one side of the question from the leader of the minority, the gentleman from Tennessee [Mr. GARRETT], and we have heard indirect opposition from the presumptive heir-apparent to the leadership of the minority, the gentleman from Texas [Mr. GARNER].

We have not yet heard from the new party whip, the gentleman from Texas [Mr. Box]. We only get his views on party policies through the public press and on other subjects. There is one thing I would like to know, and I believe the minority would like to know. They were polled in the presidential election on a certain question in a great attempt to whip them into one coherent mass. I would be glad to know, in view of the assurances given the country by the present chairman of the Democratic National Committee, Mr. Raskob, that that party is not opposed to big business; that big business has nothing to fear from the Democratic Party—as I say, I am interested to know what he thinks of this attempt to have Congress declare big business can not expect to receive consideration at the hands of Congress; that if they have a claim above \$75,000 Congress will make no appropriation—

Mr. GARRETT of Texas. I will try to find out by to-morrow, if the gentleman can wait that long.

Mr. CRAMTON. I think it would be interesting to know.

The CHAIRMAN. All time has expired—

Mr. CRAMTON. I am glad to know there is one gentleman of the Democratic minority who thinks he is close enough to the Democratic National Committee chairman to be able to find out anything from him. [Laughter.]

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken; and there were—ayes 105, nays 112. So the amendment was rejected.

The Clerk read as follows:

Supreme Court Building: For acquisition of a site for a building for the Supreme Court, in addition to the appropriation heretofore made, \$268,741.

Mr. NEWTON. Mr. Chairman, I move to strike out the last word. I would like the attention of the chairman of the Committee on Appropriations. The Inland Waterways Corporation is an agency of the Government in the War Department,

and, generally speaking, I think its appropriations come under the War Department appropriations bill. I notice that there is no provision in the urgent deficiency bill for an appropriation for the Inland Waterways Corporation. Last May, after very extended hearings, the Committee on Interstate and Foreign Commerce reported out a bill increasing the capital stock from \$5,000,000 to \$15,000,000. Now the basic law reads that that corporation was formed and the capital was furnished for the purpose of carrying out the "mandate" and the "purpose" of Congress as set forth in the transportation act and in the Inland Waterways Corporation act. Now, that was last May. In the meantime some six or seven months have elapsed, ample time, it would appear, for the gathering of the necessary information together for the purpose of submitting an estimate. Now, can the distinguished chairman of this committee say just what is the situation in reference to that new authorization, which is more than an authorization because it is to carry out a mandate of Congress in reference to carrying on our inland-waterways development?

Mr. ANTHONY. Mr. Chairman, I think the gentleman from Minnesota very accurately sets forth the situation in regard to the inland waterways item. The committee took up the matter with the Bureau of the Budget. It was my desire that the appropriation which that act directed should be carried in this bill, but the Bureau of the Budget advised us it was desired to make further inquiries into the requirements before submitting the estimate for an appropriation; that, furthermore, General Ashburn was out of town while we were writing up this bill, and they desired first to confer with him, but it was their intention to bring up the item for the next deficiency bill. And I find they wanted to make further inquiries in order to get the exact cost involved in the securing of power and barges, and I understand they are mostly for the Mississippi and Missouri, and they felt that instead of appropriating the full \$5,000,000, that has been spoken of for this purpose, they would only ask for the exact amount to purchase the equipment needed.

Mr. NEWTON. If this goes over to the general deficiency bill, that will not become a law, of course, until the extreme end of the session; that is, if we may use our knowledge of the past in judging of the future. That will mean a delay of two months in the letting of a contract for the building of the barges and the making of the towboats that are necessary. Now, a delay of two months means the difference between having this additional equipment to carry grain from my section of the country and from the gentleman's section of the country and not having it. That is my affair; and the thought I have is surely if there is anything that should be included in an urgent deficiency bill it is a deficiency appropriation for that capital stock which Congress mandated last May.

Mr. ANTHONY. I think the gentleman very accurately represents the situation.

Furthermore, I may say that the Chief of Engineers promised that the new channel of the Missouri River from Kansas City to St. Louis would be ready for navigation in 1930, and I know that the business and shipping interests at Kansas City and all along that river are very anxious that the equipment, the towboats and barges for navigation, be provided for without any delay in the program.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. DYER. Mr. Chairman, I ask unanimous consent that the gentleman may have three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. NEWTON. I sincerely doubt whether the equipment will be ready in time to move the grain crop.

Mr. OLIVER of Alabama. Mr. Chairman, will the gentleman yield?

Mr. NEWTON. Yes.

Mr. OLIVER of Alabama. Would the gentleman object to our making at least a part of this appropriation available on the passage of the general deficiency bill?

Mr. ANTHONY. Inasmuch as the committee lacked accurate figures, and the Bureau of the Budget promised accurate figures, it was necessary for us to delay.

Mr. OLIVER of Alabama. It might be sufficient to meet the objection of the gentleman from Minnesota if we were to provide that of any such an amount as Congress would approve in the next deficiency bill a certain amount of that would become immediately available.

Mr. ANTHONY. The gentleman knows that the entire sum would be available if any lump sum were put on the general deficiency bill.

Mr. DYER. Mr. Chairman, will the gentleman yield?

Mr. NEWTON. Yes.

Mr. DYER. Is the gentleman able to advise the House at this time if it has received from General Lord a general recommendation?

Mr. ANTHONY. As I understand, General Lord is awaiting the arrival of General Ashburn in Washington. When he receives the accurate figures we will undoubtedly get an estimate up here.

Mr. DYER. The amount authorized is \$10,000,000.

Mr. NEWTON. Yes; \$10,000,000.

Mr. DYER. Is it a fact, or does the gentleman know, that General Lord has sent in a recommendation of a total amount of \$3,000,000?

Mr. ANTHONY. I have no official information on that, but my guess is that it is believed that the equipment and power can be purchased for from three and one-half to four millions.

Mr. NEWTON. That is to meet the immediate necessity?

Mr. ANTHONY. That is the idea. Congress, of course, does not want to appropriate more money for a given purpose than is absolutely necessary.

Mr. NEWTON. We passed this law in May last. We passed it after very thorough hearings. I think our committee worked upon it for two or three weeks, possibly longer than that. There was no question about the need and necessity of additional equipment for the Warrior River, for the lower Mississippi, and for the upper Mississippi River, and the lower Missouri when that was completed; and then the Illinois River. Of course, the equipment needed on the Missouri River need not be provided in the present calendar year, but it will be needed shortly after that. The money for the equipment to be used on the Illinois River need not be expended until that channel is completed, probably not before two years. But the great bulk of that sum should be made available during the present year.

Now as to this question of additional time in which to consider the question. This was the mandate of Congress. General Ashburn was certainly in the city, and General Lord was in the city during the past seven months. They must have known that there would be a deficiency bill. I am somewhat surprised myself that this matter has been allowed to go on without inquiry into the details until the Christmas holidays. I do not know whether the committee has given consideration to it or not, but it seems to me that when Congress writes a law in the nature of a mandate the estimates ought to come down somewhere near the amount of authorization, and come down as expeditiously as possible. There has been ample time in which to find out just what is needed, the cost, and all of that; and the delay, unless something can be done, is going to mean that the farmers of my section of the country and the gentleman's section of the country who have had their grain held at St. Louis, the neck of the bottle, where there was not enough equipment to send it down, will continue to be at a disadvantage. That is going to be the situation in the coming year. From August of 1928 we on the upper river were filled to capacity until close of navigation.

We could have handled much greater tonnage if we had had the capacity. This was likewise true of the lower river. The farmer does not get the maximum benefit of lower rates and will not until we have barge and towboat equipment which is reasonably adequate to meet the demand; otherwise, buyers of grain can not figure on cheap water rates.

Mr. Chairman, under the authorization by Congress of this legislation we ought to speedily make the necessary appropriation, and it should be in amount in keeping with the authorization. [Applause.]

The CHAIRMAN. The time of the gentleman from Minnesota has again expired. The Clerk will read.

The Clerk read as follows:

INDEPENDENT OFFICES

For salaries and expenses, office of Allen Property Custodian, \$61.81.
For salaries and expenses, Board of Tax Appeals, \$4.
For contingent expenses, Civil Service Commission, \$30.25.
For expenses, Commission of Fine Arts, \$1.93.
For housing for war needs, \$2,939.03.

Mr. KELLY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. KELLY. Mr. Chairman, I desire to ask the chairman of the committee in charge of the bill a question regarding the item for housing for war needs, on line 19 of page 18. Is that a claim for the United States Housing Corporation, as administered by the Department of Labor?

Mr. ANTHONY. I am advised these are claims dating back to 1918 and 1919 of the old Housing Corporation which have just been settled and approved.

Mr. KELLY. Mr. Chairman, I desire to take this opportunity of stating—calling attention to the fact—that this will probably be the last time we shall deal with governmental housing activities of the war period. Congress appropriated \$100,000,000 during the war for housing construction for civilian needs. This work was turned over to the Department of Labor and that department after the armistice proceeded to dispose of the projects. I am informed there will be returned to the Treasury 75 per cent of the entire expenditure, which is probably the greatest return from any expenditure of the kind made by the Government during the war. It is an indication of the fact that while we often fail to appreciate it, the Department of Labor deals with most important and difficult problems. The present Secretary, James J. Davis, has made an enviable record in dealing with these questions efficiently and successfully.

Mr. Chairman, it is no easy task. Capital and labor seem at times to be engaged in an irrepressible and unending conflict. The Department of Labor must stand between them and strive to help both while injuring neither.

Immigration restrictionists and opponents of restriction come to grips in this department which is charged with the responsibility of enforcing immigration laws. It requires the wisdom of a Solomon to act justly in all the multitude of cases which are appealed to the Secretary.

Through eight years Secretary Davis has efficiently and successfully met the tests of his office. Broad-minded, humane, and just, he has forced conflicting interests to recognize that common understanding will do much to lessen the area of conflict.

A toiler himself, his sympathies are with the men who earn their bread in the sweat of their brows. Time and again, just when it was needed, he warned that wage cuts spelled disaster, not alone to the workers but to capital as well. He pointed out that the employer who pays good wages enables his men to buy the products of industry and live up to the American standard.

Yet he has always pointed out that our continued prosperity depends upon efficient production. Increase the products and there will be more to divide. In season and out, Secretary Davis has preached sound doctrine for the development of this Nation and its people. He has earned the gratitude of all good Americans.

Mr. Chairman, few persons realize how far flung are the activities of the Department of Labor. No country in the world is outside the scope of the quota immigration acts which have been enacted by Congress since Secretary Davis took office in 1921.

Amendment of the original act was necessary, and great assistance was given by Secretary Davis in framing the act of 1924. In spite of all criticism, no sane man can deny that the policy adopted has had a tremendous effect upon the prosperity of this country.

The examination of prospective immigrants prior to embarkation for this country was a problem which presented many difficulties, but it has been worked out with patience and tact and firmness and is operating successfully.

A border patrol has been organized to prevent the surreptitious entry of aliens. Those who enter illegally are dealt with by another organized division and deportations number a thousand each month.

The naturalization service has been speeded up. Where before there was delay of months and sometimes years in furnishing certificates of arrival for aliens' petitions for citizenship, this work is now up to date. At the same time, the safeguards of proper citizenship have been increased.

The Bureau of Labor Statistics is doing better work than ever before and on a wider scale. Within the limit of appropriations it is furnishing vitally important information. It has made studies of the productivity of labor and the effects of the mechanization of industry. It has studied industrial accidents and occupational diseases and given the facts to those concerned. It has studied workmen's compensation laws and given to State and Federal Governments the facts upon which to base action.

The experience of Secretary Davis has made possible the direction of these fact-finding inquiries in the manner most valuable to workers and employers.

The conciliation service has been largely molded by the Secretary because of his intense interest in its purpose. Since 1921 there have been more than 4,000 instances in which the offices of the Secretary of Labor and Director of Conciliation have been used in industrial disputes, involving strikes, lockouts, and threatened strikes and lockouts. These cases concern more than 4,000,000 workers and involved practically every line of industry, including the packing industry, marine workers, coal miners, textiles, building trades, and many others.

The Secretary of Labor has earnestly proclaimed the truth that reason must prevail and that disputes should be settled around a council table before a strike rather than after it. The fact that there is to-day less conflict between workers and employers than at any time in our industrial history shows the progress made.

The employment service has been organized to give every particle of benefit possible. Secretary Davis acts upon the belief that the greatest need in America is a steady job with full and fair compensation for every man willing to work. He has devoted special attention to the problem of the man over 50 years of age who has been displaced because of machinery. His messages and advice to industrial leaders have helped to compel recognition of this serious problem.

Mr. Chairman, I believe in giving credit where credit is due. Serving in the Cabinets of two Presidents, Secretary James J. Davis has written a record of faithful, devoted efforts for the advancement of the general welfare. An outstanding Pennsylvanian, his achievements have made and will continue to make a better America. [Applause.]

The pro forma amendment was withdrawn.

The Clerk concluded the reading of the bill.

Mr. ANTHONY. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 15848) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1929, and for other purposes, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. ANTHONY. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them engross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. BYRNS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. The gentleman from Tennessee offers a motion to recommit which the Clerk will report.

The Clerk read as follows:

Mr. BYRNS moves to recommit the bill to the Committee on Appropriations, with instructions to report back forthwith with the following amendment:

After the word "each" in line 12, page 12, strike out the period, insert a colon, and add the following: "Provided, That no part of the appropriation herein made shall be available for paying any tax refund in excess of \$75,000."

Mr. ANTHONY. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Tennessee to recommit the bill with instructions.

Mr. BYRNS. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 130, nays 169, not voting 138, as follows:

[Roll No. 7]

YEAS—130

Almon	Browning	Cooper, Wis.	Fulmer
Arnold	Buchanan	Cox	Gardner, Ind.
Aswell	Busby	Crisp	Garner, Tex.
Auf der Heide	Byrns	Crosser	Garrett, Tex.
Ayres	Carew	Cullen	Gilbert
Bankhead	Carley	Davis	Goldsbrough
Beck, Wis.	Cartwright	Deal	Gregory
Black, N. Y.	Casey	DeRouen	Green
Black, Tex.	Chapman	Doughton	Greenwood
Bland	Cochran, Mo.	Drewry	Hammer
Bloom	Collier	Driver	Hare
Box	Collins	Eslick	Hastings
Boylan	Combs	Fisher	Hill, Ala.
Brand, Ga.	Connally, Tex.	Fitzpatrick	Hill, Wash.
Briggs	Connery	Fullbright	Howard, Nebr.

Howard, Okla.
Huddleston
Hudspeth
Jeffers
Johnson, Okla.
Johnson, Tex.
Jones
Kemp
Kent
Kincheloe
Kvale
LaGuardia
Lanham
Lankford
Larsen
Lea
Lindsay
Lowrey

Lozier
Lyon
McDuffie
McKeown
McReynolds
Major, Ill.
Major, Mo.
Mansfield
Martin, La.
Moore, Ky.
Moore, N. J.
Moore, Va.
Moorman
Morehead
Morrow
Nelson, Mo.
Norton, Nebr.
Norton, N. J.

O'Connell
O'Connor, La.
Oliver, Ala.
Palmisano
Parks
Peery
Prall
Quayle
Quin
Ragon
Rainey
Rankin
Romjue
Rutherford
Sabbath
Sanders, Tex.
Sandlin
Shallenberger

Somers, N. Y.
Sproul, Kans.
Steagall
Steele
Summers, Tex.
Swank
Tarver
Tucker
Vinson, Ga.
Weller
Whittington
Williams, Mo.
Wilson, La.
Wingo
Woodrum
Yon

NAYS—169

Adkins	Englebright	Johnson, S. Dak.	Reed, N. Y.
Aldrich	Estep	Johnson, Wash.	Reid, Ill.
Allen	Evans, Calif.	Kahn	Robinson, Iowa
Andresen	Fenn	Kearns	Robison, Ky.
Andrew	Fish	Kelly	Rogers
Anthony	Fitzgerald, Roy G.	Kendall	Sanders, N. Y.
Bacharach	Fort	Ketcham	Schaefer
Bachmann	Foss	Kless	Selvig
Bacon	Frear	Knutson	Shreve
Barbour	Free	Kopp	Simmons
Beck, Pa.	Freeman	Korell	Sinclair
Beedy	French	Langley	Smith
Beers	Furrow	Leavitt	Snell
Bohn	Garber	Leech	Stalker
Bowles	Garrett, Tenn.	Lehlbach	Strong, Pa.
Bowman	Gibson	Letts	Summers, Wash.
Brigham	Gifford	Luce	Swick
Buckbee	Goodwin	McCormack	Swing
Burtess	Hadley	McFadden	Taber
Butler	Hale	McLaughlin	Tatgenhorst
Campbell	Hall, Ill.	McLeod	Taylor, Tenn.
Carter	Hall, Ind.	Maas	Thatcher
Chalmers	Hall, N. Dak.	Manlove	Thompson
Chindblom	Hancock	Mapes	Thurston
Christopherson	Hardy	Martin, Mass.	Tilson
Clague	Haugen	Menges	Timberlake
Clarke	Hawley	Michener	Tinkham
Cochran, Pa.	Hersey	Miller	Treadway
Cole, Iowa	Hickey	Monast	Underhill
Colton	Hoch	Moore, Ohio	Vestal
Cooper, Ohio	Hoffman	Morgan	Wainwright
Crail	Hogg	Morin	Wason
Cramton	Heladay	Murphy	Watres
Dallinger	Hooper	Nelson, Wis.	Watson
Darrow	Hope	Newton	Welch, Calif.
Davenport	Hudson	Niedringhaus	Wigglesworth
Dempsey	Hughes	Parker	Williams, Ill.
Dickinson, Iowa	Hull, Morton D.	Porter	Wood
Drane	Hull, Wm. E.	Pratt	Wurzbach
Dyer	Irwin	Purnell	Wyant
Eaton	James	Ramsayer	
Elliott	Jenkins	Ransley	
England	Johnson, Ind.	Reece	

NOT VOTING—138

Abernethy	Dominick	Linthicum	Stedman
Ackerman	Douglas, Ariz.	McClintic	Stevenson
Allgood	Douglass, Mass.	McMillan	Stobbs
Arentz	Doutrich	McSwain	Strong, Kans.
Begg	Dowell	McSweeney	Strother
Bell	Doyle	Magrady	Sullivan
Berger	Edwards	Mead	Taylor, Colo.
Blanton	Evans, Mont.	Merritt	Temple
Boies	Fitzgerald, W. T.	Michaelson	Tillman
Brand, Ohio	Fletcher	Milligan	Underwood
Britten	Gambrill	Montague	Udlike
Browne	Gasque	Mooney	Vincent, Iowa
Bulwinkle	Glynn	Nelson, Me.	Vincent, Mich.
Burdick	Golder	O'Brien	Vinson, Ky.
Bushong	Graham	O'Connor, N. Y.	Ware
Canfield	Griest	Oliver, N. Y.	Warren
Cannon	Griffin	Palmer	Weaver
Carss	Guyer	Patterson	Welsh, Pa.
Celler	Harrison	Peavy	White, Colo.
Chase	Houston, Del.	Perkins	White, Kans.
Clancy	Hull, Tenn.	Pou	White, Me.
Cohen	Igoe	Rayburn	Whitehead
Cole, Md.	Jacobstein	Reed, Ark.	Williams, Tex.
Connolly, Pa.	Johnson, Ill.	Rowbottom	Williamson
Corning	Kading	Schneider	Wilson, Miss.
Crowther	Kerr	Sears, Fla.	Winter
Culkin	Kindred	Sears, Nebr.	Wolfenden
Curry	King	Seger	Wolverton
Davey	Kunz	Sirovich	Woodruff
Denison	Kurtz	Speaks	Wright
Dickinson, Mo.	Lampert	Spearing	Yates
Dickstein	Leatherwood	Sproul, Ill.	Zihlman

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. Canfield (for) with Mr. Wolfenden (against).
Mr. Pou (for) with Mr. Ackerman (against).
Mr. Spearing (for) with Mr. Sproul of Illinois (against).
Mr. Speaks (for) with Mr. Griest (against).
Mr. Igoe (for) with Mr. Magrady (against).
Mr. Kunz (for) with Mr. Golder (against).
Mr. Doyle (for) with Mr. Connolly of Pennsylvania (against).

Additional general pairs:

Mr. Perkins with Mr. Montague.
Mr. Lampert with Mr. Rayburn.

Mr. Dowell with Mr. Abernethy.
 Mr. Wolverton with Mr. Cannon.
 Mr. Crowther with Mr. Corning.
 Mr. Seger with Mr. Douglas of Arizona.
 Mr. Burdick with Mr. Oliver of New York.
 Mr. Vincent of Michigan with Mr. Gambrill.
 Mr. Yates with Mr. Hull of Tennessee.
 Mr. Brand of Ohio with Mr. O'Connor of New York.
 Mr. Glynn with Mr. Gasque.
 Mr. King with Mr. Sullivan.
 Mr. Merritt with Mr. McSwain.
 Mr. Rowbottom with Mr. Williams of Texas.
 Mr. Boies with Mr. Stevenson.
 Mr. Clancy with Mr. Bulwinkle.
 Mr. W. T. Fitzgerald with Mr. Allgood.
 Mr. Guyer with Mr. Patterson.
 Mr. Nelson of Maine with Mr. Reed of Arkansas.
 Mr. Kurtz with Mr. Jacobstein.
 Mr. Johnson of Illinois with Mr. Harrison.
 Mr. Vincent of Iowa with Mr. Davey.
 Mr. Schneider with Mr. Warren.
 Mr. Woodruff with Mr. Cohen.
 Mr. Houston with Mr. Edwards.
 Mr. Kading with Mr. Whitehead.
 Mr. Zihlman with Mr. Stedman.
 Mr. Leatherwood with Mr. Dickinson of Missouri.
 Mr. Peavey with Mr. Sears of Florida.

Mr. CROWTHER. Mr. Speaker, I was in attendance upon the hearings of my committee, the Committee on Ways and Means, and I did not quite make it. I would like to vote "no." Do I qualify?

The SPEAKER. The gentleman does not qualify.

The result of the vote was announced as above recorded.

The SPEAKER. The question is, Shall the bill pass?

The question was taken and the bill was passed.

On motion of Mr. Wood, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. EATON. Mr. Speaker, my colleague the gentleman from New Jersey [Mr. ACKERMAN] was called away by the death of a friend and begs to be excused for the day.

The SPEAKER. Without objection, the request is granted.

There was no objection.

THE CASE OF J. L. LYONS & CO.

Mr. O'CONNOR of Louisiana. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on a bill which I have introduced for the relief of J. L. Lyons.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. O'CONNOR of Louisiana. Mr. Speaker, W. R. Hearst offers a prize of \$25,000 for the best plan to repeal the eighteenth amendment. Some day we shall know who won the prize and what his plan is. W. C. Durant offered a prize of \$25,000 for the best plan to make the eighteenth amendment effective. The Durant award has been made to Maj. Chester P. Mills. No one who has the slightest knowledge of the subject believes that the Mills plan will reduce the quantity of liquor that is being daily consumed throughout the country.

As a matter of fact, many of the prominent prohibition officials profess to see nothing new in the plan and are disposed to cynically dismiss it as "old stuff." The problem that confronts the Prohibition Bureau, and apparently one that is not susceptible to a definite and permanent solution, is how to prevent men and women, urbanite and ruralite, from making liquors, whisky, wine, and beer, when and as long as great nature continues to furnish the fundamentals and practice, habit of action, and repetition makes for proficiency in the details that change corn and rye into whisky, grapes into wine, and malt and hops into beer.

In three or four years a man or woman may become a good cook or baker, or both, and as chef prepare and furnish roasts and pastries to Sybarites of such excellency as to secure him great fame among the followers and votaries of Epicurus. Doubtlessly there are thousands, male and female, in the cities great and small whose merit in the way of making palatable and appealing whiskies and wines is extolled as an accomplishment devoutly to be wished; and it would be interesting to know how many agriculturists who have not by dint of several years' experience arrived at that period of development when they look upon their products as equal in kick, color, and purity to the choice liquors of the days that are no more, which disappeared in gloom when the Volstead Act found anchorage in Congress. There are many good citizens who do not believe it came as good tidings of a great joy. They view it as a Pandora's box opened wide with not much hope left behind to console the apprehensive.

There is one influence which will tend to check the rising tide or flood of liquor made in homes both in the cities and country, and that influence will be claimed as the result of his efforts by the professional prohibitionist. The public opinion that so rapidly crystallized all over the country against the

open and public traffic in intoxicants, supported by leading industrialists, transportation executives, public-utilities officials, and merchants great and small, was due in a large measure to the extraordinary development and expansion that our country was undergoing in every conceivable line of its activities. For some inexplicable reason that crystallization apparently was paralyzed with the advent of the eighteenth amendment.

Some good people say that as long as the movement depended for its advance upon its own merit and what appeared to many as a moral appeal it was an irresistible force, but as soon as it was merged into a legislative enactment supported by the club, the sneak, the witch burner, the fanatical lyncher, jails, and penitentiaries, it lost the vitalizing force of its genesis and sank to the level of an irritating statute that ought to be linked up with blue laws and those infamous statutes that doomed unfortunates for their religious belief. But there may be a galvanization. A generation that has done so much for the advancement of civilization on land, sea, in the air, in every walk, alley, street, and avenue of life must have been building up a defense system against this flood of booze, and prevented that inundation which otherwise would have long since driven us to rafts.

This brings us to the question, Will the country be better off in the course of the years without distilleries, wineries, and breweries turning out a superior output as a result of first-class machinery appurtenances operated by trained operators and supervised by chemists and food experts, and which could be so regulated and licensed as to make for a reduction in the consumption of intoxicants, while yielding an enormous revenue presently enjoyed by bootleggers, rum runners, and grafters all over the United States, though the Nation be exposed to the danger of having millions make what they might buy if they had a legal right to do so? Every observant man knows that there are as many or more soft-drink establishments, as many, if not more speakeasies to-day than there were open undisguised barrooms before the Volstead Act became the law which is more honored in the breach than the observance. Every man who has eyes to see and ears to hear knows that there are as many arrests, if not more, to-day than 10 years ago. Every man who reads the newspapers knows that there are more deaths from poisonous stuff sold by bootleggers than ever before. But things can not get any better until they get a little worse.

When the day does arrive that will bring home to us the truth that it is far better to discover with the eyes of statesmanship the ineradicable tendencies of millions in every generation and to regulate wisely those tendencies than to attempt to prohibit them, we shall have taken a forward step, one in the right direction. Then we may have a resubmission of the Rhode Island case—for its underlying constitutional principle still clamors for recognition. And if public opinion be strong enough may see the eighteenth amendment, which is becoming a menace to every other article of the great covenant, swept aside in order that way should be made for safe, sound, and sane legislation that will promote the cause of temperance, instead of conditions that now obtain, and their implications, present and future, by no means reassuring to many of our countrymen.

Of course there are numbers of lawyers who believe that the eighteenth amendment is not an inhibition upon the Government going into the liquor business by way of dispensaries or otherwise. But not many believe that the Government is already in that business and not conducting or operating its business in accordance with the ethics and standards of the commercial morality that should prevail. Let the following legal document unfold its own tale, from which the cynic may draw sardonic humor and the champion of Volstead law enforcement some information and wisdom. And I pray the latter to remember that the world was not submerged with immorality prior to the eighteenth amendment. Nor was the tea-drinking Orient superior to the temperate Occident.

In the United States District Court for the Eastern District of Louisiana, New Orleans Division

I. L. Lyons & Co. (Ltd.) v. United States of America, No. —

To the honorables the judges of the United States District Court in and for the Eastern District of Louisiana, New Orleans Division:

The petition of I. L. Lyons & Co. (Ltd.), a corporation organized under the laws of the State of Louisiana and domiciled and doing business in the city of New Orleans; represents:

That petitioner is, among other things, engaged in the business of selling drugs at wholesale, and, as a wholesale dealer in drugs, it has a permit to purchase and sell intoxicating liquors;

That, by an order entered by this honorable court, the United States marshal for the eastern district of Louisiana, and the United States Customs Service, collection district No. 20, port of New Orleans, were authorized to sell to such persons possessing permits to purchase, certain intoxicating liquors then in the possession of the said United States marshal and the said United States Customs Service;

That in accordance with said authorization petitioner, among others, was solicited to purchase the said liquors by the said United States marshal and a Mr. Gordon, storekeeper in the United States Customs Service, and at the time of said solicitation said liquors were represented by the United States marshal and the said Mr. Gordon of the United States Customs Service to be genuine and fit for resale by petitioner for medicinal purposes in the course of its business as a wholesaler of drugs;

Petitioner avers that by reason of said representations, it purchased from the United States marshal and the said United States Customs Service, liquors of the kind and for the prices and on the dates set forth in the invoices of said sales;

Petitioner further represents that of said liquors so purchased it has on hand 269 gallons of Old Lewis Hunter rye whisky; 548.25 gallons of Atherton whisky; 220 gallons of Old Boone whisky; 233.25 gallons of Cedar Brook whisky; and 123.60 gallons of Scotch whisky, or a total of 1,395.35 gallons of whisky; 523.90 gallons of wine; and 20% gallons of assorted liquors;

Petitioner avers that of said gallons of whisky on hand (other than Scotch whisky), approximately one-half thereof was purchased from the United States Customs Service and approximately one-half thereof was purchased from the United States marshal;

Petitioner further represents that the average price of said gallons of whisky paid to the United States marshal and the United States Customs Service for said whiskies was the sum of \$658.93 for 233.25 gallons of Cedar Brook whisky; the sum of \$807 for 269 gallons of Old Lewis Hunter rye whisky; the sum of \$1,644.75 for 548.25 gallons of Atherton whisky; and the sum of \$715 for 220 gallons of Old Boone whisky, or a total of \$3,825.68;

That of said Scotch whisky on hand, 30 gallons were purchased from the United States marshal for the sum of \$60, and 93.61 gallons were purchased from the United States Customs Service for the sum of \$327.60, or a total sum of \$387.60;

That the 523.90 gallons of wine were purchased for the price of \$0.90 per gallon, or the sum of \$471.51, and the 20% gallons of assorted liquors for the sum of \$3.50 per gallon, or a total of \$72.63;

That in a letter to the Treasury Department, Bureau of Investigation, under date of September 28, 1927, I. L. Lyons & Co. addressed a communication to the Treasury Department, Bureau of Prohibition, for the purpose of obtaining the necessary permit to effect a sale of the liquors purchased as Old Lewis Hunter rye whisky, to the Frankfort Distillery for rebottling for medicinal distribution, and that in reply to said letter I. L. Lyons & Co. received from the Treasury Department, Bureau of Prohibition, a communication under date of October 6, 1927, in which said communication I. L. Lyons & Co. was advised that from an investigation conducted by the office of the prohibition administrator at New Orleans, the spirits were low in proof and of doubtful character, and that the bottles bore spurious labels and imitation strip stamps; and further, that there was no basis for a belief that the spirits were of the origin and production claimed or that there was any indication that they ever had a legal status prior to their seizure, and that accordingly such spirits could not be bottled in bond and strip stamps affixed thereto, nor could they be sold as bottled-in-bond spirits for medicinal use;

Petitioner further avers that the whiskies, wines, and liquors purchased by it were purchased in the utmost good faith and in complete reliance upon the representations of the said United States marshal and the employees of the United States Customs Service to the effect that said spirits were genuine and could be resold by it for medicinal purposes in its course of business as a wholesaler of drugs;

That since the results of the investigation of the Treasury Department into the character of whisky purchased by it from the United States marshal and from the United States Customs Service, it has reason to doubt the genuineness of all of said whiskies, wines, and liquors purchased by it from the United States marshal and the United States Customs Service, and because of this doubt it alleges upon information and belief that all of said whiskies, wines, and liquors are not genuine and are not fit for resale by it as a wholesaler for medicinal purposes; accordingly that the sales of said whiskies, wines, and liquors to it by the United States marshal and the United States Customs Service should be rescinded and that it should recover from respondent the purchase price of said whiskies, wines, and liquors, which petitioner avers to be the sum of \$4,757.39.

I have given enough of the petition to anyone of imagination to lead him in fancy over the Spanish Main and the many adventures that this captured and confiscated booze must have, like many inanimate things, experienced. And what a dismal, sordid, and unromantic end—its virtues once praised by the Government which has turned upon it with epithet and denied it place to legally end its existence via medicinal channels.

I have introduced a bill for the relief of I. L. Lyons & Co. and hope it will soon be passed by the Congress in order that the escutcheon of the country may rest unblemished in its booze transactions, as the court does not apparently see how it can cut the legal Gordian knot.

ADDRESS OF HON. HARRY B. HAWES, OF MISSOURI

Mr. COCHRAN of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a speech recently delivered by Senator HAWES on the life and character of Hon. David R. Francis, former Secretary of the Interior, former Governor of Missouri, and former United States Ambassador to Russia.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. COCHRAN of Missouri. Mr. Speaker, St. Louis lost one of its leading citizens when Hon. David Rowland Francis passed away. He had held many positions of public trust—mayor of his city, governor of his State, Secretary of the Interior during the administration of President Cleveland, and ambassador to Russia, appointed by the late President Wilson.

He was president of the Louisiana Purchase Exposition Co., under whose auspices was held the Universal Exposition of 1904 in St. Louis.

Under leave to print, I include a memorial address delivered by Hon. HARRY B. HAWES, United States Senator from Missouri, before the Missouri Historical Society, on the life and character of Governor Francis.

The address follows:

DAVID ROWLAND FRANCIS

Let us visualize David Rowland Francis as he was before suffering from the blighting hand of foreign service.

There was never a finer picture of a real male man. No mollycoddle here, no sentimental theorist, no poser, no sycophant, no straddler, no hypocrite. He was a big man who had big conceptions, surrounded himself with big men and did big things. He had the vision for large things. He went to his objectives in a masterful way, sometimes with impatience, sometimes pushing aside without deference the obstacles that stood in his way. His designs were good and he gained his goal in straightforward combat.

Governor Francis enjoyed a cigar, a horse, a drink; delighted in a bright eye, a pretty face; responded to a good song, a good story, and a good friend. He served his friends, he served his city, he served his State, he served his Nation with both ability and distinction. There is no taint or blemish upon his escutcheon. There is no ugly whisper or scandal left to scar his memory. He hit hard and took some good blows in return; and then reached out to help, to succor, to bind up wounds, to soften things and make life not only more pleasant but more honorable. He carried with him into adventures of great magnitude the heart of a boy. He saw the humorous, joyful things of life, and while demanding his full share he was quick to divide his pleasures with others.

David Francis was a fighter when as a boy he crawled on a coach and sold papers during the war in a small Kentucky town. He was a fighter when in the closing years of his life he faced a mob in a foreign city and, with pistol in hand, defended the ancient "right of castle."

Can't you see him now as on hospital Saturday, with some chosen friends, he visits the booths in the hotels and office buildings, covered with badges, smiling, joking, the picture of health, good spirits, and the very embodiment of good fellowship, the leader, the inspiration of our most popular charity? How many will remember the old days at the Den in the Merchants Exchange, during the Velled Prophet's Ball, when he led in the queen and, in his inimitable way, made another queen of each maid and each matron?

How he spread sunshine and good fellowship! He knew by first name more men than any other man in the city, and more men knew him and called him "Dave." The "Dave" was not a familiarity; it was esteem, regard, and affection. When the ball game was opened he was there; when a school was dedicated he spoke; when a park was opened he presided; when a new union station was needed he led the way; when a bridge was required he made the plan. He built the very hall in which we are assembled to-night.

In affairs of a city, as in the life of an individual, there comes a time when a forward step must be taken, or the ground already gained will be lost. This period came when the people made Rolla Wells mayor, and with that came the inspiration for the World's Fair and the inspiration and organization came from David Francis.

I will not detain you with an extended discussion of that event. Suffice to say he invited the Nation and the Nation came; he invited the world and the world came. They came from the farms and they came from the small towns, and they came from the factories and from the colleges of learning. They visited our city and they liked it. They found it was a city of homes, of generous impulse, of fine old traditions; a place good to live in, to grow up in, and in which to be buried. They came from the four quarters of the Nation to the heart

of the Nation. They saw the possibilities of trade and commerce. The forward stride which we took then was necessary. It was not a mere plan of advertising, it was an awakening of the spirit of the city to do better things. It kept St. Louis moving forward when she might have stood still. Our progress to-day may be attributed largely to the inspiration of Francis and the wonderful group of patriotic men who surrounded him and united with him in this great enterprise.

David Francis had the graces of the courtly Jefferson. He, like Jefferson, was fond of music, of the dance, of literature, fine paintings, fine horses, courageous men, and amiable women. He liked children and the children all loved him.

Francis helped Grover Cleveland and supported him in office for eight years. He helped Rolla Wells and supported him for eight years. He helped Woodrow Wilson and supported him for eight years. But each President was his President; each governor was his governor; each mayor was his mayor. He believed in orderly government and sustained the office even though he did not approve the man.

Twenty-five years ago the Kentucky Society of St. Louis attended a homecoming celebration in that State. We visited Lexington, where the finest horses were exhibited for our inspection. I remember a great chestnut stallion, with delicate nostrils, small ears, arched neck, long mane, and flowing tail held high. He, by the way, was named "Governor Francis." They brought him out. The governor stroked his nose; he felt his fetlocks; he passed his hand over his glossy mane and the magnificent animal remained perfectly docile, seeming to sense the fact that he was being handled by a friend. A few minutes later another member of the party approached. The great stallion rose in the air, whirled, came down to the ground and kicked; giving his colored attendant much trouble in holding him. The governor stepped quickly to his aid, and the magnificent animal came to attention. I watched the governor with great interest on this occasion. His expression of keen appreciation, his distress at the display of bad temper, his gratification when the temper had passed, and the splendid animal had recovered his poise; the whole incident in fact was characteristic of the man.

Later, on this same trip, we attended the trial of Howard, a mountaineer charged with killing Governor Goebel. As we entered the courtroom a deputy sheriff stood guard at the door. The governor was first in line. The deputy politely asked him if he carried a gun. For a moment there was indecision in the governor's face. Then he smiled. The deputy sheriff said, "Governor, we will check your gun, put it in this barrel and I will return it as you leave the court room." He made the same inquiry of each member of our party. None made a deposit. I looked in the barrel as we passed by, and the bottom was covered with revolvers, each one bearing a tag with the owner's name.

Returning to the hotel, the courthouse incident brought on a discussion of old Kentucky feuds, fights, and duels. Joined by some of the "Kentucky colonels," the stories went back to the Indian days, of the frontier adventures, of Aaron Burr on the Ohio River, of the War of 1812, when Kentucky riflemen—amongst whom was one of Francis's ancestors—took the long march to support "Old Hickory" at the Battle of New Orleans, of the Black Hawk War, in which the frontiersmen held their cabins for an advancing civilization; of the Mexican War, and of the Civil War, in which Kentucky's sons divided. Someone told the governor the amusing story of my grandfather, Richard Hawes, whose inauguration as Confederate governor of the State was interrupted by Buell's artillery; how he finished his speech and rode out of the capital on a mule, shelled by advancing troops, with his speech and State papers in his hat.

This Kentucky history formed the background of the governor's life. He carried it with him in his association with men, in business, in charity, in executive office, and in diplomacy. It was the bold, assertive, determined quality of the frontiersman which had been transplanted into his being and moved his stalwart figure in the front rank of every occupation. He was of Scotch-Irish ancestry, descended from the men who fought for liberty, for tolerance, for local government in the crags and mountains of Scotland. He was a figure like that of Robert Bruce.

We all remember the long and destructive filibuster at the close of the last session of Congress, led by Senator DAVID REED, of Pennsylvania. Our senior Senator, REED of Missouri was trying to break the filibuster and secure a vote. These two Senators are distant cousins, both Scotch-Irish. In the cloakroom one evening a tired Senator was complaining of the futility and waste of time in the contest. Some one referred to the relationship. Another said: "They are both Scotch-Irish; what can you expect?" And one of the auditors, turning away, said: "They may be both Scotch-Irish, but for the last week it has been more Irish than Scotch." And so it was with the governor. Sometimes in fighting mood, the Irish was on top, and sometimes the shrewdness of the Scotchman prevailed, and when the two combined, it made the combination which has left its impress throughout America.

When young David Francis first came to St. Louis he founded his career on the old Merchants Exchange. That was the period when steamboats lined our wharves, when the Merchants Exchange was the heart and center of every activity in St. Louis. It was the place

where the Veiled Prophet's Ball was born; where great public movements were inspired; from which came Seth Cobb, Governor Stanard, and men who contributed to our civic and State development.

On its floor each day there were miniature battles. They were gained by quick decision, by a strong voice, by a hand raised quickly, by an offer, or a trade, by a bargain, which men made without paper or signed agreement. It was one man's word given to another. It required quick thought, quick action, quick decision, and this early training was responsible for many of the dominant traits of leadership in Francis.

As president of the Merchants Exchange he quickly attracted city-wide attention. He was made mayor of the city. As mayor he grew in popularity in the State and, surrounded by a small coterie of loyal friends, the early political days of Francis, associated with Rolla Wells, Breckinridge Jones, Charley Maffitt, and Fred Zelbig, formed a group of big, patriotic business men who did things, and while attending to business and social engagements they made real contributions to political advancement.

Francis attended the wedding; he kissed and danced with the bride; he sent the silver spoon or cup to the baby; he acted as pall-bearer and followed the friend's body to the grave; he seemed to have time in the midst of a busy career to do these human things and become the best-known man in St. Louis. Travel where you might in any part of the world, and the query was, "How is Governor Francis?" His personality had carried far beyond the confines of his own State. In distant lands, wherever men travel, they knew the big Missourian. He was a "round-table" man, and, while fond of talking, he had the fine faculty of making other men talk.

Rarely did he go alone. He loved companionship. When he moved or visited, he was usually in company with two or three companions. He drew attention and held it; made other people do things under his inspiration who were unaware of the fact that he had caused them to act. He was proud of what he called his "thirty-six feet of sons." These six sons were selected to carry the father and chieftain to his grave.

As mayor of St. Louis, Francis gave a business administration. He paved the city, reduced the rate of interest paid on the public debt, bought the site for the new water works at the Chain of Rocks, reduced the cost of gas, and forced a great railroad corporation to pay a million dollars into the city treasury. As governor he attracted national attention by the vigor of his administration. He was a new kind of governor for that day. Putting business methods into operation, he resurrected and put the National Guard upon a permanent basis, passed the Australian ballot system, created a school-book commission and uniform textbooks, created a geological survey, established stable State finances, and followed the same course he pursued as mayor with industry and administrative understanding. He reorganized the State university, created an endowment fund and popularized that institution. As Secretary of the Interior he studied the problems of the West. His long and intimate knowledge of the farmer and grain was helpful.

Governor Francis liked the "big outdoors," and had as his field assistant William Zevely, a devoted follower and indefatigable worker of the same warm and genial character as the governor. During both administrations of Grover Cleveland, Francis was his close friend and political adviser. Their contact was intimate, and the great New Yorker relied upon his judgment in making political appointments.

He was sent as a delegate to the Baltimore convention in support of Missouri's favorable candidate, Champ Clark. He helped organize the convention; was one of the floor leaders who saw Champ Clark's lead reach a majority. Later he gave his tireless energy in support of Woodrow Wilson, and his popularity, wide acquaintance, and reputation as a substantial business man was of inestimable help in both the Wilson elections.

Although in very poor physical condition, Governor Francis attended the last Democratic convention in New York, and was an interested spectator during its long struggle. While ill health prevented active participation, he followed the fortunes of the Jefferson party with interest and enthusiasm to the end.

It was the followers of Jefferson who made Francis mayor. It was the followers of Jefferson who elected him governor. It was a student of Jefferson who placed him in his Cabinet; and it was a real disciple of Jefferson who appointed him ambassador. How appropriate then, in this memorial of Jefferson, is a discussion of the man whose distinctions in life came from the supporters of Jefferson. He was never offensive in his partisanship, and, while he kept his party's faith, he retained as well his personal friends. When he accepted his last political assignment he was three score and five. Far-seeing men at that time knew we could not long remain out of the struggle; the whole world was at war.

One of the scenes of greatest tragedy was in Russia, the country to which he was assigned. Its borders had been drenched in blood; its civil government was dead; it was a scene not only of civil decay and war, but it was the center for schemers and plotters of all nations. It was the spot where men of various nationalities were trying to destroy

not only the bodies of men, but their minds. It was there that the great battle of propaganda was fought.

Governor Francis went not only courageously but blithely to his post of danger. It was his last call for public service, and he answered it. He left his family, and his business to the management of his sons, at a period when the perplexities and uncertainties of the time demanded his personal presence to preserve the fortune which he had built up during years of struggle. I remember his words, the fire and emphasis of his departing speech, in his farewell to his fellow townsmen:

"If my Government, in its wisdom, calls me to an important post which it thinks I am competent to fill on account of my years or my experience in domestic government, or in national or international commerce, I would be a poor citizen indeed if I permitted personal interests, or friendly associations, or love of ease, or even ties of consanguinity, to interfere or to prevent a favorable response on my part.

"Fear of jeopardizing whatever of reputation I may have gained in public affairs or in commerce is not one of my guides of action. If it were, I should be a coward, and unworthy of the respect of my fellows."

This was the Francis spirit. He went upon his duty and his duty brought his death. He accepted a position with nothing but hardship ahead, physical danger, and diplomatic uncertainty. The careful politician would have refused. The cautious diplomat would have declined. It was not a place in which to seek honor or publicity. It was an assignment of hard, dangerous, thankless work.

Francis's contribution to American history will be written later, but even now we know it will be a chapter of American courage. I was in Spain when a number of those who were attached to his embassy in Russia arrived. They sought me to tell of their admiration and love for their chief, especially for his courage in demanding respect for Americans. In listening to their praise, I felt a reflected glory as a fellow-citizen and a friend.

We remember the attack of the mob upon the American Embassy in Russia. Our ambassador sent the faithful Phil for his gun. "Stop," commanded the ambassador, facing the mob. "This is not Russian, it is American territory; you can not put your foot in here!" But the mob pushed forward. Again he said: "This is American territory. I will kill the first man that crosses the threshold!" The mob wavered. He displayed his weapon and the mob broke and went away.

No marines were there for Francis; no policemen. With his own revolver he stopped the mob. It was the fine old spirit of the frontier. It was part of the best traditions of Kentucky and Missouri. At that time he was not an ambassador; he was the frontiersman guarding the sacred threshold! When St. Louis erects the statue to the ambassador, I would have it a reproduction of this scene in the land of the Czar and the Bolshevik. Francis on the threshold of an American domicile; Francis saying, "This is American territory. I will kill the first man that crosses the threshold!"

Had he lived in the days of Scottish feuds he would have wielded a broadax or twanged a giant bow. Had he lived during the Crusades he would have straddled a horse and with vizor down charged the infidel. Had he lived during the Revolution he would have been one of the ragged soldiers who followed the tattered flag of Washington. He would have shouldered a rifle and followed Andrew Jackson to the Battle of New Orleans. These were not his times. But he was part of the World War and the last American to leave that living hell of carnage, rapine, and human slaughter. When government disappeared and torch and bomb struck and destroyed one of the oldest governments in the world he sent his secretaries and all of his attachés first, then followed last, with his faithful colored man.

The governor loved his country and would have sacrificed and fought for it at any period of its history. He was that kind of man. Just a few days before the armistice was declared our ambassador was carried by sailors on board ship at Archangel. This closed three years of service in a distracted country and was the beginning of the physical end. Even his great frame at his age could not stand the strain. But the break did not come until his full duty had been performed.

It must be remembered that Governor Francis never lost faith in the great body of the Russian people and predicted that time would bring a stable and sane government. And he desired to live that he might assist in the coming rehabilitation. Upon his return home one of our famous quartettes composed and sang a song. It was not classical, but it was the feeling of St. Louis then, and the city is of the same opinion now:

"He's a roving son of liberty, our townsman, and our Dave;
He saw the old red terror where the Czar went to his grave;
But he stayed right there on duty when a man must needs be brave;
And we're proud to get him back to old Missouri.
He's one of the war's great heroes, our own big native son;
He was there for Uncle Samuel when he needed things well done;
He held the fort in Petrograd, and didn't know how to run;
And he's mighty welcome back to old Missouri!"

Governor Francis gave his old mansion, the scene of World's Fair festivities, the meeting place of business leaders and statesmen, to the Boy Scouts and the Junior Chamber of Commerce. He gave a park

to St. Louis, a drinking fountain to Missouri University, and gave freely of his heart and brain for everything that went to make a better city and a greater State.

The governor enjoyed a story; he told good ones himself. He led the laugh; his was the hand that first applauded. He said the helpful word and slapped the back in approval. He was a gracious host and an appreciative guest. Always the leader; in civics, in society, in business, in politics, in sport, David Francis was first. As one of our papers editorially expressed it, he was "our most distinguished St. Louisian."

Let us think of David Rowland Francis frequently; call up his recollection often; and in this, the memorial he erected and named for Jefferson, keep a special place for him and the story of the part he played in the growth of our city, in the development of our State, in the national halls at Washington, and in the foreign land in which he exhibited the frontier spirit of Kentucky and Missouri.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to—

Mr. CHASE, on account of illness in his family.

Mr. KERR, until further notice, on important public business.

Mr. SPEAKS, for two days, on account of illness.

ADJOURNMENT

Mr. WOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 57 minutes p. m.) the House adjourned until to-morrow, Tuesday, January 8, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, January 8, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.

Independent offices appropriation bill.

District of Columbia appropriation bill.

COMMITTEE ON FOREIGN AFFAIRS

(10.30 a. m.)

Requesting the President to propose the calling of an international conference for the simplification of the calendar, or to accept on behalf of the United States an invitation to participate in such a conference (H. J. Res. 334).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To hear private bills.

COMMITTEE ON WAYS AND MEANS

(10 a. m. and 2 p. m.)

Tariff hearings as follows:

SCHEDULES

Chemicals, oils, and paints, January 8, 9.

Earths, earthenware, and glassware, January 10, 11.

Metals and manufactures of, January 14, 15, 16.

Wood and manufactures of, January 17, 18.

Sugar, molasses, and manufactures of, January 21, 22.

Tobacco and manufactures of, January 23.

Agricultural products and provisions, January 24, 25, 28.

Spirits, wines, and other beverages, January 29.

Cotton manufactures, January 30, 31, February 1.

Flax, hemp, jute, and manufactures of, February 4, 5.

Wool and manufactures of, February 6, 7, 8.

Silk and silk goods, February 11, 12.

Papers and books, February 13, 14.

Sundries, February 15, 18, 19.

Free list, February 20, 21, 22.

Administrative and miscellaneous, February 25.

RIVERS AND HARBORS COMMITTEE

(10.30 a. m.)

To consider a project to improve Indiana Harbor, Ind.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10.30 a. m.)

Continuing the powers and authority of the Federal Radio Commission under the radio act of 1927 (H. R. 15430).

INTERSTATE AND FOREIGN COMMERCE COMMITTEE

(10 a. m.)

To amend section 15a of the interstate commerce act, as amended (H. R. 8549).

COMMITTEE ON THE DISTRICT OF COLUMBIA—SUBCOMMITTEE ON PARKS
AND PLAYGROUNDS
(10 a. m.)

To regulate the height and exterior design and construction of public and private buildings in the National Capital fronting on or located within 200 feet of a public building or public park (H. R. 6055 and H. R. 8746).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

727. A letter from the Secretary of the Navy, transmitting draft of a bill for the relief of Lieut. (Junior Grade) Victor B. Tate, United States Navy, and Paul Franz, torpedo man, third class, United States Navy; to the Committee on Naval Affairs.

728. A letter from the Secretary of Commerce, transmitting report with a brief statement of the action of the department in respect to accidents sustained or caused by barges while in tow through the open sea during the fiscal year 1928; to the Committee on the Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND
RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HAWLEY: Committee on Ways and Means. H. J. Res. 365. A joint resolution authorizing the President, under certain conditions, to invite the participation of other nations in the Chicago World's Fair, providing for the admission of their exhibits, and for other purposes; with amendment (Rept. No. 2028). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND
RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. PEAVER: Committee on War Claims. H. R. 10774. A bill for the relief of the Carlisle Commission Co.; with amendment (Rept. No. 2026). Referred to the Committee of the Whole House.

Mr. LEAVITT: Committee on Claims. H. R. 13638. A bill for the relief of Weymouth Kirkland and Robert N. Golding; with amendment (Rept. No. 2027). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 15788) granting an increase of pension to Rosella Leighton; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15956) granting a pension to Edward Chaney; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MAAS: A bill (H. R. 15968) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near St. Paul and Minneapolis, Minn.; to the Committee on Interstate and Foreign Commerce.

By Mr. FREE: A bill (H. R. 15969) to amend section 4 of the immigration act of 1924; to the Committee on Immigration and Naturalization.

By Mr. O'CONNOR of Louisiana: A bill (H. R. 15970) to grant certain lands of the United States of America in the parish of Plaquemines, La., to the Board of Levee Commissioners of the Orleans levee district, and for other purposes; to the Committee on the Public Lands.

By Mr. PARKER: A bill (H. R. 15971) to increase the minimum fine for certain offenses under the interstate commerce act; to the Committee on Interstate and Foreign Commerce.

By Mr. LaGUARDIA: A bill (H. R. 15972) to amend section 126 of title 28 of the United States Code (Judicial Code, sec. 67, amended); to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 15973) granting a pension to Lizzie C. Collins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15974) granting an increase of pension to Mary A. Hinger; to the Committee on Invalid Pensions.

By Mr. BRIGHAM: A bill (H. R. 15975) for the relief of Nelson King; to the Committee on Military Affairs.

By Mr. BRITTEN: A bill (H. R. 15976) for the relief of Lieut. (Junior Grade) Victor B. Tate, United States Navy; and Paul Franz, torpedo man, third class, United States Navy; to the Committee on Naval Affairs.

By Mr. BROWNE: A bill (H. R. 15977) granting a pension to Pamela Hogle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15978) granting an increase of pension to Laurence Bendixen; to the Committee on Pensions.

By Mr. CARTER: A bill (H. R. 15979) to place Sprague B. Wyman on the retired list of the United States Army as a captain; to the Committee on Military Affairs.

By Mr. CLARKE: A bill (H. R. 15980) granting an increase of pension to Anna Green; to the Committee on Invalid Pensions.

By Mr. COCHRAN of Missouri: A bill (H. R. 15981) granting a pension to Alfred Bryant; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 15982) for the relief of Robert Clyde Scott; to the Committee on Military Affairs.

Also, a bill (H. R. 15983) granting a pension to Thomas Regan; to the Committee on Pensions.

By Mr. DAVENPORT: A bill (H. R. 15984) granting a pension to Helen Deets; to the Committee on Invalid Pensions.

By Mr. DICKINSON of Missouri: A bill (H. R. 15985) granting a pension to Lou Shoemaker; to the Committee on Invalid Pensions.

By Mr. EATON: A bill (H. R. 15986) granting an increase of pension to Sarah M. Pursell; to the Committee on Invalid Pensions.

By Mr. EVANS of California: A bill (H. R. 15987) for the relief of Patrick J. Lynch; to the Committee on Military Affairs.

By Mr. GARBER: A bill (H. R. 15988) granting an increase of pension to Lucetta J. Smith; to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 15989) for the relief of Harold Lytle; to the Committee on Naval Affairs.

Also, a bill (H. R. 15990) to reimburse Yalmar G. Swanson for injuries sustained and for damages to his car in an accident with a truck operated by a United States marine; to the Committee on Naval Affairs.

By Mr. HAMMER: A bill (H. R. 15991) granting a pension to Sarah D. Rich; to the Committee on Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 15992) granting a pension to Mary Ellen Wilson; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Oklahoma: A bill (H. R. 15993) granting a pension to So-Kone (Indian); to the Committee on Pensions.

Also, a bill (H. R. 15994) granting a pension to John Littlechief (Indian); to the Committee on Pensions.

Also, a bill (H. R. 15995) granting a pension to Tone-Moh (Indian); to the Committee on Pensions.

Also, a bill (H. R. 15996) granting a pension to Keah Bone (Indian); to the Committee on Pensions.

Also, a bill (H. R. 15997) granting a pension to Mo-Cha-Chi (Indian); to the Committee on Pensions.

Also, a bill (H. R. 15998) granting a pension to Aut-Do Mourner (Indian); to the Committee on Pensions.

Also, a bill (H. R. 15999) granting a pension to Poolaw (Indian); to the Committee on Pensions.

Also, a bill (H. R. 16000) granting a pension to Haungooah, or Haw-Gone (Indian); to the Committee on Pensions.

Also, a bill (H. R. 16001) granting a pension to Paukei, or Poaque (Indian); to the Committee on Pensions.

By Mr. KING: A bill (H. R. 16002) granting a pension to Clara Shatlain; to the Committee on Pensions.

By Mr. KNUTSON: A bill (H. R. 16003) granting an increase of pension to Sarah J. Bates; to the Committee on Invalid Pensions.

By Mr. KORELL: A bill (H. R. 16004) for the relief of Frank L. McCoy; to the Committee on Military Affairs.

Also, a bill (H. R. 16005) granting an increase of pension to Adah Z. Walker; to the Committee on Invalid Pensions.

By Mr. McREYNOLDS: A bill (H. R. 16006) granting a pension to Susannah Sims; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16007) for the relief of Harry H. Doescher; to the Committee on Military Affairs.

By Mr. MAPES: A bill (H. R. 16008) granting a pension to William E. Bjork; to the Committee on Pensions.

By Mr. MOORMAN: A bill (H. R. 16009) granting a pension to Sarah Whoberry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16010) granting a pension to Rosa Bare; to the Committee on Invalid Pensions.

By Mr. O'CONNOR of Louisiana: A bill (H. R. 16011) to authorize an appropriation for the relief of I. L. Lyons & Co.; to the Committee on Claims.

By Mr. PARKER: A bill (H. R. 16012) granting an increase of pension to Charles M. Sabins; to the Committee on Pensions.

By Mr. PURNELL: A bill (H. R. 16013) granting an increase of pension to Jemima McClure; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16014) granting an increase of pension to Almeda J. McBride; to the Committee on Invalid Pensions.

By Mr. REED of New York: A bill (H. R. 16015) granting an increase of pension to Margaret A. Bullock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16016) granting an increase of pension to Glennie E. Smith; to the Committee on Invalid Pensions.

By Mr. ROBINSON of Iowa: A bill (H. R. 16017) granting an increase of pension to Helen E. Harrod; to the Committee on Invalid Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 16018) granting a pension to Robert H. Harp; to the Committee on Pensions.

By Mr. ROMJUE: A bill (H. R. 16019) granting an increase of pension to Hannah Stice; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16020) granting an increase of pension to Nancy Garringer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16021) granting an increase of pension to Sarah C. Gillespie; to the Committee on Invalid Pensions.

By Mr. SWICK: A bill (H. R. 16022) granting an increase of pension to Elizabeth McCurdy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16023) granting a pension to Edith Patton; to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 16024) granting an increase of pension to Rachel Hubbard; to the Committee on Invalid Pensions.

By Mr. WELCH of California: A bill (H. R. 16025) granting an increase of pension to Joseph M. Murtha; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8163. By Mr. CRAIL: Petition of Branch 24 of the National Association of Letter Carriers, of Los Angeles, Calif., favoring the passage of Senate bill 1727; to the Committee on Rules.

8164. By Mr. CULLEN: Petition of Dixie Post, No. 64, Veterans of Foreign Wars of the United States, unanimously favoring the passage of House bill 9138; to the Committee on Pensions.

8165. By Mr. GARBER: Petition of Chamber of Commerce of the State of Oklahoma, indorsing and requesting that the Army engineers develop speedily the reservoir projects to control the tributaries as directed by Congress, in the interests of the Nation's protection and development; to the Committee on Flood Control.

8166. By Mr. O'CONNELL: Petition of the Institute of Margarine Manufacturers, Washington, D. C., favoring the passage of the Haugen bill (H. R. 10958); to the Committee on Agriculture.

8167. By Mr. QUAYLE: Petition of Merchants' Association of New York, favoring additional Federal judges for the city of New York; to the Committee on the Judiciary.

8168. Also, petition of Institute of Margarine Manufacturers, Washington, D. C., favoring the passage of the Haugen bill (H. R. 10958), a bill which broadens the definition of oleomargarine; to the Committee on Agriculture.

8169. Also, petition of Central Federation of Women's Clubs, of Dublin, N. H., urging increased appropriations for the Indian Service; to the Committee on Indian Affairs.

8170. Also, petition of the Standard Wholesale Phosphate and Acid Works, Baltimore, Md., opposing the passage of legislation to place a duty on disease-free seed potatoes imported from Canada; to the Committee on Ways and Means.

8171. Also, petition of the General Harrison Gray Otis Post, No. 1537, Pasadena, Calif., favoring the passage of House bill 6523; to the Committee on Military Affairs.

8172. Also, petition of the Guaranty Co. of New York City, N. Y., favoring additional appropriations to the Postmaster General to enforce the postal fraud laws; to the Committee on the Post Office and Post Roads.

8173. Also, petition of the National Lumber Manufacturers' Association, of Washington, D. C., favoring legislation to include the control of lumber; to Committee on Interstate and Foreign Commerce.

8174. By Mr. WYANT: Petition of D. M. Irwin, Richard Campbell, and H. M. Zundel, committee of Captain George A. Cribbs Post, No. 276, Grand Army of the Republic, Greensburg, Pa., protesting legislation appropriating money for glorification of the "Lost Cause"; to the Committee on Ways and Means.

SENATE

TUESDAY, January 8, 1929

(Legislative day of Monday, January 7, 1929)

The Senate met in open executive session at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate, as in legislative session, will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the joint resolution (S. J. Res. 139) for the relief of the Iowa Tribe of Indians.

The message also announced that the House had passed the bill (S. 3779) to authorize the construction of a telephone line from Flagstaff to Kayenta on the Western Navajo Indian Reservation, Ariz., with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 12607. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of Naval Post 110 of the American Legion the bell of the battleship *Connecticut*;

H. R. 13502. An act authorizing the State of Minnesota and the State of Wisconsin to construct, maintain, and operate a free highway bridge across the St. Croix River at or near Stillwater, Minn.;

H. R. 13506. An act fixing the salary of the Commissioner of Indian Affairs and the Assistant Commissioner of Indian Affairs;

H. R. 13507. An act to amend section 3 of Public Act No. 230 (37 Stat. L. 194);

H. R. 14146. An act granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a free highway bridge across the Monongahela River, in the city of Pittsburgh, Allegheny County, Pa.;

H. R. 14153. An act to authorize an additional appropriation of \$150,000 for construction of a hospital annex at Marion Branch;

H. R. 14155. An act to authorize appropriations for construction at military posts, and for other purposes;

H. R. 14164. An act granting the consent of Congress to the city of Knoxville, Tenn., to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Henley Street in Knoxville, Knox County, Tenn.;

H. R. 14451. An act to revive and reenact the act entitled "An act granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Ohio River at or near McKees Rocks Borough, in the county of Allegheny, in the Commonwealth of Pennsylvania";

H. R. 14469. An act granting the consent of Congress to the county of Allegheny, Pa., to construct a bridge across the Youghiogheny River between the borough of Versailles and the village of Boston, in the township of Elizabeth, Allegheny County, Pa.;

H. R. 14473. An act granting the consent of Congress to the city of Aurora, State of Illinois, to construct, maintain, and operate a bridge across the Fox River within the city of Aurora, State of Illinois;

H. R. 14474. An act granting the consent of Congress to the city of Aurora, State of Illinois, to construct, maintain, and operate a bridge across the Fox River within the city of Aurora, State of Illinois;

H. R. 14481. An act granting the consent of Congress to the Chicago South Shore & South Bend Railroad to construct, maintain, and operate a railroad bridge across the Grand Calumet River at East Chicago, Ind.;

H. R. 14813. An act to authorize an appropriation for completing the new cadet mess hall, United States Military Academy;

H. R. 14919. An act granting the consent of Congress to the commissioners of Mahoning County, Ohio, to construct, maintain, and operate a free highway bridge across the Mahoning River at or near Cedar Street, Youngstown, Mahoning County, Ohio;

H. R. 14920. An act granting the consent of Congress to the State of Wisconsin to construct and operate a free highway